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**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

GARDEN STATE BAR ASSOCIATION,)	
CRYSTAL GIBSON, SHERIN MAKAR,)	
LORI MONTEIRO, the PRISON INITIATIVE)	
PROJECT of the CENTER FOR ACTION)	
RESEARCH, the NEW JERSEY ADVOCATES)	No.
FOR IMMIGRANT DETAINEES, the NEW)	
JERSEY INSTITUTE for SOCIAL JUSTICE,)	
PAULINE NDZIE, JEAN ROSS, and)	
RHONDA WILLIAMS WHETSON,)	
)	
Petitioners)	

**PETITION SEEKING RULEMAKING AND ORDER REGULATING RATES
CHARGED BY GLOBAL TEL*LINK AND SECURUS FOR PHONE CALLS FROM
NEW JERSEY CORRECTIONAL FACILITIES**

TO THE HONORABLE COMMISSIONERS OF THE BOARD OF PUBLIC UTILITIES:

Introductory Statement

Families across New Jersey pay exorbitant phone rates in order to maintain communication with loved ones incarcerated in state and county prisons and jails. The Federal Communications Commission has recognized the importance of regulating interstate phone rates in correctional institutions, but without further state action these measures are not enough to protect New Jersey families who rely on intrastate calls to stay connected with loved ones in New Jersey jails and state prisons.

The Board of Public Utilities (BPU) has the power and the duty to require inmate calling service (ICS) providers operating in the state to charge “just and reasonable rates.” It is within the BPU’s jurisdiction and statutory mandate to regulate these alternate operator services (AOS) providers. Swift action by the BPU will provide much needed relief to impoverished families of New Jersey’s incarcerated persons.

Petitioners—whose declarations are appended and referenced herein—are individuals and family members who have been directly affected by the exploitative phone rates that these service providers charge, as well as organizations that serve the affected community. They seek this action by the BPU in light of the hardship these rates have caused them. Until the BPU acts, too many family and community members in New Jersey will be forced to pay as much as \$8.50 for a fifteen-minute intrastate call, while a call of the same length from state prisons in neighboring New York cost less than a dollar.¹

As this petition will describe, the high phone rates lead to numerous negative effects for the most vulnerable families across the state. The high phone rates forced upon the families of incarcerated persons lead to decreased communication with family members, forcing parents, spouses, and children to go weeks or months at a time without speaking to their loved ones.

¹ Chart of Current Phone Rates in New Jersey Prisons and Jails Ex. K; Notice to Friends and Family of New York State Inmates Ex. S; *infra* Part I.B.

Decreased communication in turn leads to other negative unintended consequences, including higher rates of recidivism and interference with access to justice. The high rates affect the family members of people incarcerated in prison and jails as well as thousands of people without convictions who are held while awaiting trial. High telephone rates also impose unfair costs on immigrant detainees held in New Jersey county jails who must navigate the immigration system without the right to counsel. Largely, the burden of exploitive telephone rates in prisons and jails falls disproportionately on African American and Latino families across New Jersey. The unconscionable impact of these high phone rates must be remedied.

The FCC recognized the costs imposed on families and communities by these unreasonably high rates when, on August 9, 2013, they brought interstate rates to levels that are just, reasonable, and fair to all people.² Other states have accordingly acted to cap their prison phone rates at just and reasonable levels. New Jersey – and the BPU – should follow this national trend.

I. Petitioners

1. The Garden State Bar Association (GSBA) was created in 1975 to assist African-Americans and other minorities in becoming an effective part of the judicial system in New Jersey. Their mission is to improve the administration of justice, support initiatives to improve the economic condition of all individuals, to support initiatives designed to improve economic conditions of all individuals, and work to eliminate discrimination based on race and ethnicity. Exorbitant telephone rates impede their members' ability to interact with their clients.
2. Crystal Gibson is a resident of Newark, New Jersey. Ms. Gibson is a thirty-seven year-old single mother and unionized demolition worker. Her fiancé was incarcerated in several facilities from 2011 to August 2013 and she paid \$200 to \$300 a month so that her and her child could stay in touch with him. Ms. Gibson felt that the prison was

² See 47 U.S.C. § 201(b) (2012); 47 U.S.C. § 276 (2012); Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,958; Press Release, Fed. Commc'ns Comm'n, FCC Bars High Rates for Long Distance Phone Calls in Jails and Prisons Nationwide (Aug. 9, 2013), *available at* <http://www.fcc.gov/document/fcc-reduces-high-long-distance-calling-rates-paid-inmates>.

extorting people “on the outside” living in poverty and often without education for the mistakes of those “on the inside.”

3. Sherin Makar has been a resident of Jersey City, New Jersey for the past 28 years. Mr. Maker is a native of Egypt who was held in immigration detention for approximately three years before receiving relief under the Convention Against Torture. During this time, he was detained in several facilities with contracts to hold immigrant detainees, including Essex County Correctional Facility, Middlesex Adult Corrections Center, Hudson County Correctional Center, and Monmouth County Correctional Institution. Mr. Makar frequently had to choose between paying for calls to his sister to help fight his case and paying for food through commissary.
4. Lori Monteiro is a resident of Belleville, New Jersey. Her boyfriend is currently incarcerated in Southern State Penitentiary. Ms. Monteiro spends an average of \$50 a week to receive calls from her boyfriend, partially because of a 19% surcharge from Global Tel*Link.
5. The New Jersey Advocates for Immigrant Detainees is a coalition of member organizations, many of which visit and otherwise support people in immigration detention in New Jersey. Members often hear from the immigrants they work with about the struggles they experience as a result of high phone rates, and attempt to ameliorate those struggles by, among other things, providing supplies for detained immigrants to write letters to their loved ones.
6. The New Jersey Institute for Social Justice (NJISJ) is a Newark-based urban research and advocacy organization dedicated to the advancement of New Jersey’s urban areas and residents. NJISJ has provided reentry employment services to over one thousand formerly incarcerated individuals, whose reintegration into civil society was often made more difficult by the attenuation of relationships with friends and family during incarceration due to high phone rates.

7. Pauline Ndzie is an immigrant from Cameroon who has lived in New Jersey for twenty-four years. She was held in immigrant detention at Hudson County Jail for five months. Because of a conflict between the jail's visiting hours and her three U.S. citizen children's school hours, Ms. Ndzie could usually only stay in touch with them via phone calls. Because these calls were frequently dropped, Ms. Ndzie ended up spending up to \$25 on a single phone call a week.
8. Jean Ross lives in Princeton, New Jersey and does pro bono administrative advocacy and litigation on behalf of New Jersey residents who are incarcerated and their families through the Prison Initiative Project (PIP), which is part of the Center for Action Research. Ms. Ross donates approximately \$10,000 each year to PIP, of which \$100 to \$250 each month goes to calls from prisons. People often call her in great distress, and she cannot spend as much time talking to them as they need because it is too expensive.
9. Rhonda Williams Whetsone is a resident of Newark, New Jersey who lives with her husband, five children, and disabled mother. Her brother Ronald has been incarcerated in Northern State Prison in Trenton, New Jersey for ten years. Because of the high cost of these calls, she and her mother are only able to speak to her brother once a month.

II. Background

A. FCC Rulemaking on Interstate ICS Rates

10. In 2003, Martha Wright and several families of prisoners petitioned the Federal Communications Commission (FCC) to address the lack of competition in the prison telephone industry that resulted in families of prisoners paying exorbitant rates for phone calls.³ In 2007, the petitioners filed an alternate proposal requesting that the FCC address these rates and fees directly.⁴

³ *Id.* at 67,957.

⁴ *Id.*

11. After 10 years, the FCC adopted an Order on August 9, 2013 to bring prison phone rates into compliance with the Communications Act, which requires that phone rates be just, reasonable, and fair to all people.⁵ The FCC limited its order to interstate rates because of their concern that the states, and not the FCC, had jurisdiction over intrastate rates.⁶ In order to make phone rates just, reasonable, and fair the FCC set an interim safe harbor rate of \$0.12 per minute for interstate debit and prepaid calls and \$0.14 for interstate collect calls.⁷ The Order required companies to justify rates above those safe harbors to the FCC, and to keep rates below the interim hard cap of \$0.21 per minute and \$0.25 per minute, respectively.⁸

12. Prison phone companies, led by Securus and Global Tel*Link, are appealing the FCC's Order by challenging the FCC's authority to regulate these rates at the federal level and asserting that the Order is arbitrary and capricious.⁹ The U.S. Court of Appeals for the D.C. Circuit recently granted a stay with regard to the safe harbor rates and the requirement that rates be cost-justified, but allowed the implementation of the hard caps to go forward.¹⁰ Securus and Global Tel*Link simultaneously argue that the FCC's regulation intrudes upon the authority of state and local governments and urge state-level regulators to defer to the FCC to address the problem of unfair and unreasonable rates.¹¹

13. While the New Jersey State Department of Corrections laudably responded to the FCC Order by eliminating commissions and reducing its rates for intrastate as well as interstate calls, the new state rates remain higher than the safe harbor rates specified by

⁵ See 47 U.S.C. § 201(b) (2012); 47 U.S.C. § 276 (2012); Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,958; Press Release, Fed. Commc'ns Comm'n, FCC Bars High Rates for Long Distance Phone Calls in Jails and Prisons Nationwide (Aug. 9, 2013), *available at* <http://www.fcc.gov/document/fcc-reduces-high-long-distance-calling-rates-paid-inmates>.

⁶ See Rates for Interstate Inmate Calling Services, 78 Fed. Reg. 68,005, 68,007 (proposed Nov. 13, 2013) (to be codified at 47 C.F.R. pt. 64).

⁷ Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,962.

⁸ *Id.*

⁹ Petitioner's Statement of Issues To Be Raised at 2-3, *Ariz. Dep't of Corrs. v. Fed. Commc'ns Comm'n*, No. 14-1006 (D.C. Cir. Feb. 6, 2014) (explaining issues raised in lawsuit consolidated with challenges by Securus and Global Tel*Link to the FCC's Order on interstate inmate calling rates).

¹⁰ Order on Motions for Stay, *Securus Tech, Inc. v. Fed. Commc'ns Comm'n*, No. 13-1280 (D.C. Cir. Nov. 13, 2014).

¹¹ See Petitioner's Statement of Issues to be Raised, *supra* note 9; Motion of Securus Tech. to Hold Proceedings in Abeyance, *Mass Dep't of Telecomms. & Cable* Docket No. 11-16 (Oct. 18, 2013).

the FCC for interstate calls.¹² Moreover, the intrastate rates from county jails, and the commissions associated with those rates, have not changed.¹³ As described below, most intrastate rates from county jails thus continue to exceed both the safe harbor and hard cap rates specified by the FCC for interstate calls.

14. Phone companies have also sought to compensate for lost profits resulting from the FCC's regulation of interstate rates. Global Tel*Link offered this option to Bergen County in its letter informing the county of the need to lower interstate rates to comply with the FCC's hard caps.¹⁴ The only available route to compensate for such lost profits would be to increase the rates and commission on intrastate calls. Without regulatory action on intrastate rates, New Jersey families could spend even more than the high prices detailed below for calls with loved ones in New Jersey county jails.

B. New Jersey Phone Rates and Commissions

15. Correctional facilities in New Jersey include 13 correctional facilities operated by the New Jersey Department of Corrections, 22 county correctional facilities, 11 county juvenile detention centers, a psychiatric Forensic Center, and 4 private correctional facilities.¹⁵

16. Upon information and belief, two companies operate in New Jersey state prisons and county jails: Global Tel*Link and Securus. All state facilities and many county jails in

¹² See *Notice of Award: Inmate/Resident Telephone Control Service*, N.J. DEP'T OF TREASURY, DIV. OF PURCHASE & PROP. (last visited Mar. 21, 2014), http://www.state.nj.us/treasury/purchase/noa/contracts/t1934_05-x-32533.shtml.

¹³ N.J. Dept. of Corr. Renewal Addendum, Contract 61618, Exhibit A: County Rate/Commission Matrix Options (Feb. 11, 2014) [hereinafter *County Price Matrix*] Ex. L.

¹⁴ Letter from Timothy Miller, Reg'l Sales Manager, Global Tel*Link, to Phil Lisk, IT Dir., Bergen Cnty. Sheriff's Office (Feb. 25, 2014) Ex. O.

¹⁵ MARIE VANNOSTRAND, NEW JERSEY JAIL POPULATION ANALYSIS 2 (2013), available at http://www.drugpolicy.org/sites/default/files/New_Jersey_Jail_Population_Analysis_March_2013.pdf; *Frequently Asked Questions*, N.J. DEP'T OF CORRS. (last visited Mar. 21, 2014), <http://www.state.nj.us/corrections/pages/FAQ.html>; *Ann Klein Forensic Center*, DEP'T OF HUMAN SERVS., DIV. OF MENTAL HEALTH SERVS. (last visited Mar. 30, 2014), <http://www.state.nj.us/humanservices/dmhs/oshm/akfc/>. This is not an exhaustive list of the correctional facilities in New Jersey. In other contexts, the BPU defines a correctional facility as "an institution, including a prison, jail, or detention center . . . which is dedicated to the treatment, rehabilitation or confinement of criminal offenders." N.J. ADMIN. CODE § 14:10-1.2 (2013). In its Order regulating phone rates from correctional facilities, the FCC defined a correctional facilities as including prisons, jails, and immigration detention facilities. Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,958.

New Jersey utilize Global Tel*Link to provide phone services, either through New Jersey State Contract No. 61618 (the state contract) or independently.¹⁶ The state contract sets the phone rates and commission payment for state facilities and offers six options for phone rates and commission payments for counties to select.¹⁷

17. Commission payments are kickbacks that the counties receive from the phone companies for their business. Higher phone rates provide for higher commission payments, which create “reverse competition.” This means that facilities are incentivized to choose the option that puts the most strain on incarcerated persons and their families, the captive market.

18. The state Department of Corrections contract provides a flat rate of 17 cents per minute for intra- and interstate calls. While this rate reflects a recent decrease simultaneous with the state’s decision to stop accepting commissions from its inmate calling service (ICS) provider, Global Tel*Link, it remains higher than the “safe harbor rate” of 12 or 14 cents per minute recently set by the FCC as a rate that is presumptively fair and reasonable for interstate calls.¹⁸ It is also significantly higher than the rate of 5 cents per minute that is available from New York state prisons.¹⁹

19. Most counties choose to select an option from the “County Price Matrix” offered to them through the state contract. Four counties—Bergen, Cape May, Passaic, and Salem—have negotiated contracts with phone companies independently.²⁰

¹⁶ See County Price Matrix, *supra* note 13 (showing the options available to counties that opt into the state’s contract with GTL); Bergen Cnty. Inmate Telephone Services Agreement with Inmate Telephone, Inc. (Oct. 2, 2008) [hereinafter Bergen Contract] Ex. N (documenting Bergen County’s independent contract with a wholly owned subsidiary of GTL); *Notice of Award: Inmate/Resident Telephone Control Service*, *supra* note 12 (showing the State Department of Corrections’ contract with GTL).

¹⁷ See County Price Matrix, *supra* note 13.

¹⁸ See Rates for Interstate Inmate Calling Services, 78 Fed. Reg. 67,964; *Notice of Award: Inmate/Resident Telephone Control Service*, *supra* note 16.

¹⁹ See Notice to Friends and Family of New York State Inmates, *supra* note 1.

²⁰ Bergen Contract, *supra* note 16; Cape May Cnty. Contract with Securus Tech. (Mar. 26, 2013) Ex. P; Resolution Exercising the One-Year Option Contract Renewal with Securus Technologies, Inc. for Inmate Telephone and Jail Management Software for the Passaic County Jail (Feb. 26, 2013) (on file with the New York University Immigrant Rights Clinic); Salem Cnty. Inmate Telephone Service Contract with Securus Tech. (Dec. 7, 2011) (on file with the New York University Immigrant Rights Clinic).

20. Counties have variable rates for intrastate rates (including local, intraLATA, and interLATA rates) and all counties collect commissions on these calls.²¹ The current state contract does not allow counties to eliminate commissions all together, though the state has done so.²² Commissions create perverse incentives by encouraging the governments contracting with phone companies to choose high rates that allow the companies to pay high commissions rather than low rates that benefit consumers.²³
21. For example, seven counties, including Middlesex, Monmouth, and Hudson Counties chose the option which allows them to collect a 55% commission payment. Essex County collects 54% commission. Bergen County, which has an independent contract with GTL, collects 60.5% commission. Note that every facility has declined to opt into the two state contract options which offer lower per-minute rates. One of these offers people in prison non-local intrastate calls for \$0.10 per minute with a \$1 surcharge and would give facilities a 15% commission payment, while the other offers non-local intrastate calls for \$0.15 per minute with \$1.25 surcharge and would provide facilities a 35% commission payment.²⁴
22. These costs can impose a significant burden on New Jersey families. For example, petitioner Pauline Ndzie struggled to afford one call a week to her children in Newark while she was held in immigration detention in Hudson County Jail. She reports that her calls frequently dropped, causing her to pay an additional per-call surcharge and spend up to \$25 on a fifteen-minute call.
23. The companies operating in the county and state facilities also charge various ancillary fees attached to the creation, maintenance, and closing of accounts and other related activities. For example, petitioner Lori Monteiro, a resident of Belleville, spends \$50 a

²¹ IntraLATA calls are within the same area code, and InterLATA calls are to a different area code within the state.

²² See County Price Matrix, *supra* note 13.

²³ See *supra* ¶ 7.

²⁴ See County Price Matrix, *supra* note 13.

week to stay in touch with her partner in Southern State Penitentiary. She reports that GTL takes a 19% surcharge each time she adds money to her account.²⁵

24. Essex County Correctional Facility has capacity for 800 immigrant detainees from Newark Immigration and Customs Enforcement (ICE) custody.²⁶ Essex County's contract with ICE prohibits the county from accepting commission on calls made by these detainees, yet Essex County has knowingly refused to comply with this provision by eliminating commissions.²⁷ Petitioner New Jersey Advocates for Immigrant Detainees has received numerous complaints about the high phone rates from immigrants held in Essex County Correctional Facility and other county jails in New Jersey that contract with ICE.

25. The chart below and Exhibit I contain data gathered by the New Jersey Advocates for Immigrant Detainees and LatinoJustice PRLDEF through the Open Public Records Act reflecting the phone rates in New Jersey state prisons and county jails. The data demonstrates how much a fifteen minute phone call costs from various New Jersey prisons and jails. This cost includes the price per minute as well as any initial per-call surcharge. These prices are not cost-based and a price cap would not harm phone companies' ability to return a reasonable profit.²⁸ Additionally, more reasonable calls will lead to increased use of phone services, which would increase billable phone minutes.²⁹

²⁵ Declaration of Lori Monteiro Ex. C, at ¶ 2.

²⁶ SEMUTEH FREEMAN & LAUREN MAJOR, NYU LAW IMMIGRANT RIGHTS CLINIC, IMMIGRATION INCARCERATION 17 (2012), available at <http://www.afsc.org/sites/afsc.civicaactions.net/files/documents/ImmigrationIncarceration2012.pdf>.

²⁷ *Intergovernmental Service Agreement Between the U.S. Department of Homeland Security U.S. Immigration and Customs Enforcement Office of Enforcement and Removal Operations and Essex County* art. 24.D (on file with the New York University Law School Immigrant Rights Clinic; Letter from Alfaro Ortiz, Dir., Essex Cnty. Dep't of Corrs., to N.J. Advocates for Immigrant Detainees (Jan. 4, 2013) Ex. R.

²⁸ See Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,964 (establishing 12 and 14 cents per minute as conservative estimates of cost-based rates).

²⁹ See *id.*

New Jersey State and Selected County Phone Rates and Commissions

NJ Prison or County Jail Operator ³⁰	Commission ³¹	Distance ³²	Current Cost of 15 Minute Call
<i>Cape May</i>	70.1%	In-State	\$4.25
<i>Bergen</i>	60.5%	Intra LATA (in area code)	\$4.80 (debit) \$4.95 (collect)
		Inter LATA (out of area code)	\$7.30 (debit) \$7.50 (collect)
<i>Atlantic, Burlington, Hunterdon, Mercer, Ocean, Union, & Warren</i>	56%	Intra LATA	\$5.50
		Inter LATA	\$8.50
<i>Hudson, Camden, Cumberland, Middlesex, Monmouth, Morris & Somerset</i>	55%	Intra LATA	\$4.75
		Inter LATA	\$7.75
<i>Essex & Sussex</i>	54%	Intra LATA	\$4.00 (debit) \$4.20 (collect)
		Inter LATA	\$5.50 (debit) \$5.70 (collect)
<i>Gloucester</i>	53%	In-State	\$4.50
<i>Passaic & Salem</i>	Passaic: 53% Salem: 50%	In-State	\$4.25
<i>State of NJ</i>	none	Flat Rate	\$2.85

26. Compare these rates to the FCC's determination that a fair and reasonable rate for a fifteen-minute *interstate* call is \$1.80 for debit and \$2.10 for collect.³³ A fifteen-minute call from any New York State Prison costs \$0.72.³⁴ New York required its State Department of Corrections to negotiate a contract with the lowest possible rate and to eliminate commissions from prison phone contracts in 2007.³⁵ Alabama's charges are similarly lower—petitioner Sherin Makar reported that he paid less to speak with his family in New Jersey while incarcerated in Alabama than he did from a county jail in state.

³⁰ Jails in Bergen, Essex, and Hudson Counties currently have capacity for 194, 800, and 450 ICE detainees respectively. They hold those detainees in addition to people in criminal custody.

³¹ Phone companies agree, as part of their contracts with counties to operate in their jails, to pay a commission. The commission is a percentage of the company's revenue from calls from that jail, which the company pays to the county.

³² Intra LATA rates are for non-local calls within an area code, that is, those with a different prefix number but the same area code. Inter LATA rates are for intrastate calls in a different area code.

³³ *Id.*

³⁴ Notice to Friends and Family of New York State Inmates, *supra* note 1.

³⁵ *Id.*

C. Statutory Authority to Provide Relief

27. While the FCC has capped interstate rates from prisons and jails across the country, it is the prerogative of the New Jersey BPU to regulate rates within the state of New Jersey. BPU regulation would complement the steps taken by the FCC and avoid the current anomalous situation where a fifteen-minute intrastate call from some New Jersey county jails is \$5.35 more expensive than an interstate call of the same length from the same jail.³⁶
28. While the Legislature has deregulated some telecommunications services in New Jersey, the BPU retains the authority to regulate the rates charged by Securus, Global Tel*Link, and any other ICS provider operating in the state because these companies are alternate operator services (AOS) providers.³⁷
29. An AOS provider is “a carrier that leases lines from a [local exchange carrier] and/or an [interexchange carrier], and uses the leased lines and its own operators to provide operator-assisted services for intrastate calls.”³⁸ In 1995 the Legislature recognized that “where a captive market exists for competitive telecommunications services, market conditions are not always able to protect the public interest.”³⁹ For this reason, the Legislature gave the BPU express authority to regulate AOS rates.⁴⁰ In doing so, the Legislature recognized the necessity of rate regulation to protect against gouging by AOS providers who provided pay phones at places like hotels and hospitals, and paid commissions to those locations,
30. Upon information and belief, ICS providers like Securus and Global Tel*Link provide operator-assisted services that allow consumers to either make collect calls or to pay for their calls using a debit account. These companies are not facilities-based but rather lease lines and/or use internet protocol (IP) technology.

³⁶ See County Price Matrix, *supra* note 13.

³⁷ See N.J.S.A. § 48:2-21.23.

³⁸ N.J.A.C. § 14:10-1.2.

³⁹ N.J. S.A. § 48:2-21.22.

⁴⁰ *Id.* § 48:2-21.22-23.

31. The market structure of the prison and jail phone industry illustrates the problem the New Jersey Legislature sought to address when it gave the BPU the authority to regulate AOS providers in 1995. People held in prisons and jails in New Jersey are the quintessential captive market. Every correctional facility in the State allows only one company to provide telephone services. Therefore, users must choose between paying that company's rates or forgoing communication with their families and loved ones.⁴¹
32. Additionally, phone companies pay commissions to counties in order to operate in their correctional facilities.⁴² This creates the exact type of reverse competition that the Legislature believed undermined its decision to deregulate competitive telecommunications services.⁴³
33. Reverse competition exists when the entity that contracts with a phone company – in this case county governments – receives a share of the profit rather than offering the lowest possible cost to the consumer.⁴⁴ Instead of providing the lowest prices for users, county governments are incentivized to select the highest calling rates to collect the greatest amount of commission.⁴⁵ In allowing the BPU to regulate AOS providers, the New Jersey Legislature sought to minimize the negative impact of reverse competition on the consumers..⁴⁶

⁴¹ See Letter from Alfaro Ortiz, *supra* note 27 (“All detainees and inmates, as well as those outside the facility, are made aware of all costs associated with services provided at the facility and have free choice whether to avail themselves of these services.”).

⁴² For example, seven counties receive a 56% commission on intrastate calls and seven more receive 55% commission. Bergen County receives 60.5% commission on intrastate calls. See *supra* text accompanying notes 30–32.

⁴³ See N.J.S.A. § 48:2-21.22 (identifying the payment of commissions to host sites as a hallmark of AOS providers).

⁴⁴ See Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,961.

⁴⁵ See Verizon Comment on WC Docket No. 12-375 at 2 (“[T]he competition for the contract tends to revolve around the commission percentage that the bidder is willing to pay the DOC.”).

⁴⁶ See *id.*

34. In 2013, the Legislature reaffirmed its commitment to BPU regulation of AOS providers.

A. 4159, which took effect on January 17, 2014, *requires* (rather than simply allows) the BPU to regulate not only AOS rates but also the terms and conditions of their service.⁴⁷

35. Currently, AOS rates are capped at \$5.25 for a five-minute call and \$1.15 for each additional minute.⁴⁸ However, those caps have not been revisited since 2008. At least in the context of ICS providers, these caps are far higher than necessary to reflect the cost of providing the relevant service. For example, the FCC determined that in light of provider costs, \$0.60 or \$0.70 is a presumptively reasonable rate for a five-minute call.⁴⁹

36. Despite this finding, New Jersey families pay vastly disparate rates depending on whether their family member is incarcerated in a state or county facility.⁵⁰ The existing caps do not provide sufficient protection for consumers from arbitrarily high rates in county jails - due to commissions - and therefore regulatory intervention is necessary to address this market failure.

37. Alternatively, if the BPU does not determine that ICS providers are AOS providers, it still has the authority to regulate their rates. The BPU should determine that the inmate calling services that Securus and Global Tel*Link provide are not competitive and therefore should be subject to rate regulation.⁵¹

38. Currently, there are not enough competitors in the ICS market in New Jersey to make these services offered at a competitive price.⁵² On information and belief, only two ICS

⁴⁷ P.L. 2013, c. 278.

⁴⁸ N.J.A. § 14:10-6.4; Board of Public Utilities, Alternate Operator Services Maximum Rates (2008), *available at* http://www.bpu.state.nj.us/bpu/pdf/telecopdfs/njac_rates.pdf.

⁴⁹ Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,964.

⁵⁰ *See supra* Section I.B..

⁵¹ *See* N.J.S.A. § 48:2-21.19.

⁵² *See In re Bell-Atlantic New Jersey, Inc.*, 776 A.2d 926, 934 (N.J. Super. Ct. App. Div. 2001) (noting that the BPU looked to existence of a sufficient number of competitors to determine whether a service was competitive and finding that an industry with "several competitors" was sufficiently competitive).

companies operate in New Jersey, which is too few to constitute a competitive market.⁵³ Even more importantly, each correctional facility only contracts with a single provider, and therefore there is no competition at all for any given consumer's business. It can certainly not be said that "like or substitute . . . services are readily available" to customers.⁵⁴

39. The competition that does exist during the bidding process for a contract does not serve the function the Legislature intended when it found that in some markets competition obviates the need for utility regulation.⁵⁵ The "consumers" of these contracts are the government entities that operate correctional facilities. These entities do not pay the rates charged for the phone services but rather, in most cases, receive a share of the phone companies' profits. Therefore, this competition drives rates up, rather than down, and should not be considered competition within the meaning of N.J.S.A. § 48:2-21.16.

40. For example, New Jersey counties have the opportunity to "opt-in" to the state Department of Corrections' contract with Global Tel*Link and select from six separate options on the County Price Matrix.⁵⁶ No county has chosen either option 5 or 6, which provide the lowest rates. Clearly, the competition that exists in this market is insufficient to "protect the public interest."⁵⁷ Therefore, the BPU should reclassify telephone services from prisons and jails as uncompetitive pursuant to N.J.S.A. § 48:2-21.19 and assume the authority to regulate their rates.

III. Discussion

A. Intrastate Phone Rates From New Jersey Prisons and Jails Do Not Reflect the Cost of Providing the Service

⁵³ Cf. *In the Matter of the Board Investigation Regarding the Reclassification of Incumbent Local Exchange Carrier (ILEC) Services as Competitive*, No. TX07110873, 2008 WL 87385686, at * (N.J. Bd. Reg. Com. Aug. 20, 2008) (finding evidence of sufficient competition when over 100 competitors existed).

⁵⁴ See *id.*

⁵⁵ N.J.S.A. § 48:2-21.16.

⁵⁶ See County Price Matrix, *supra* note 13.

⁵⁷ See N.J.S.A. § 48:2-21.16.

41. Intrastate prison and jail phone rates in New Jersey far exceed the costs to the phone companies of providing the service, even when compared to the cost of providing long distance calls. A 2007 cost study surveying seven ICS providers found that the cost of interstate debit calls averaged \$0.16 per minute (or \$2.40 for a fifteen-minute call) and the cost of interstate collect calls averaged \$0.25 per minute (or \$3.75 for a fifteen-minute call).⁵⁸ In 2012, Securus, one of the phone companies that operates in New Jersey, reported that the average cost of an interstate call was \$0.12 (\$1.80 for a fifteen-minute call) per minute *with commission* and only \$0.04 (\$0.60 for a fifteen-minute call) per minute *without commission*.⁵⁹

42. Based on the higher prices phone companies normally charge for out of state calls, the costs to the companies of placing an intrastate call are presumably lower or the same as interstate costs. Yet incarcerated people, immigrant detainees, and their loved ones pay up to \$8.50 for a fifteen-minute intrastate call.⁶⁰ In the New Jersey counties that contract with Securus, a fifteen minute local call (which is the smallest billing increment) costs \$4.25—far exceeding the company’s self-reported costs for interstate calls to anywhere in the country.⁶¹ The costs of providing inmate calling services cannot justify the exorbitant rates that providers charge consumers.

43. Technological advances are decreasing costs to ICS providers. The move to Internet Protocol (IP) technology, the use of automated operator systems, and decreasing telecommunications costs all allow phone companies to reduce the costs of calls from correctional facilities.⁶² Video conferencing and other internet-based communication systems could be available at increasingly low costs.⁶³ Only site commissions, a major driver of ICS costs, have increased over the last ten years.⁶⁴

⁵⁸ Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,959

⁵⁹ *Id.*

⁶⁰ See Chart of Current Rates in New Jersey Prisons and Jails Ex. K.

⁶¹ *Id.*

⁶² Rates for Interstate Inmate Calling Services, 78 Fed. Reg. at 67,960.

⁶³ See *id.* (“As one smaller ICS provider stated, ‘[g]iven modern-day technology, the costs for providing secure phone and video services to correctional facilities are low (and are getting lower).’”).

⁶⁴ *Id.*

44. New York barred its Department of Corrections from receiving commissions in excess of the cost of operating its phone system. The Department is required to provide the lowest possible cost to the user when contracting with an ICS provider.⁶⁵ As a result, the cost of calls from New York state prisons is \$0.048 per minute, or \$0.72 for a fifteen-minute call.⁶⁶

B. People in County Jails Are Subject to Especially Egregious Phone Rates

45. As described in Section I.B above, phone rates from county jails vary dramatically and are far higher than rates from state prisons. On any given day, facilities within the New Jersey County Jail System house about 15,000 people.⁶⁷ Three privately-run facilities also hold people in the custody of the New Jersey County Jail System and State Corrections System.⁶⁸ Delaney Hall in Newark has 1,196 beds, Albert “Bo” Robinson Treatment Center in Trenton has 900 beds, and Logan Hall in Newark has 644 beds.⁶⁹ These people face the inexplicable result of paying up to \$5.65 more for a fifteen-minute call than they would if they were housed in a state prison.⁷⁰

46. This disparity is especially shocking given that only 16% of the county jail population has been convicted and sentenced for a crime.⁷¹ In contrast, 73.3% of the county jail population has not been convicted and is merely awaiting trial.⁷²

47. Individuals awaiting trial in Municipal Court remain in county jails for an average of 89 days.⁷³ The vast majority of the pretrial population remains in custody an average of 189 days while their grand jury is pending, 314 days while their trial is pending, and 324 while their sentence is pending.⁷⁴ Despite not having been convicted of a crime,

⁶⁵ N.Y. Corr. L. § 623.

⁶⁶ Notice to Friends and Families of New York State Inmates, *supra* note 1

⁶⁷ VANNOSTRAND, *supra* note 15, at 2.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ See Chart of Current Rates in New Jersey Prisons and Jails Ex. K.

⁷¹ VANNOSTRAND, *supra* note 15, at 11.

⁷² *Id.*

⁷³ VANNOSTRAND, *supra* note 15, at 11.

⁷⁴ *Id.* at 12.

individuals awaiting trial spend significant time in county jails, where they and their families confront unjustifiably high phone rates.

C. High Phone Rates Lead to Increased Recidivism and Interfere with Access to Justice

48. High intrastate phone rates are especially problematic because decreased contact between families and their incarcerated loved ones can have detrimental effects. A 2003 review of ten studies from the 1980s and 1990s found that "stronger ties between inmates and families and close friends during incarceration led to better postrelease outcomes. Prisoners who experienced more family contact . . . experienced lower recidivism rates and greater post release success."⁷⁵ Another researcher reported that the "family ties-lower recidivism relationship has been consistent across study populations, different periods of time, and different methodological procedures."⁷⁶ Similarly, a report in 2006 observed a "remarkably consistent association" over 50 years "between family contact during incarceration and lower recidivism rates."⁷⁷
49. Decreased communication between a child and an incarcerated parent can also be detrimental for the child, who may feel alienated or abandoned. In 2007, fifty-two percent of people held in state custody nationwide had children under the age of 18.⁷⁸
50. For example, Petitioner Pauline Ndzie could only afford to call her three young children once a week while she was detained, which was especially troubling because visiting hours at Hudson County Jail conflicted with school hours.⁷⁹ Petitioner Crystal Gibson could barely afford Christmas gifts for her six-year-old child because of the cost of

⁷⁵ Christy A. Visser & Jeremy Travis, *Transitions From Prison to Community: Understanding Individual Pathways*, 29 ANN. REV. SOC. 89, 100 (2003).

⁷⁶ Creasie Finney Hairston, *Family Ties During Imprisonment: Important to Whom and for What?*, 19 J. SOC. & SOC. WELFARE 87, (1991).

⁷⁷ Rebecca L. Naser & Christy A. Visser, *Family Members' Experiences with Incarceration and Reentry*, 7 W. CRIMINOLOGY REV. 20, 21 (2006).

⁷⁸ LAUREN E. GLAZE & LAURA M. MARUSCHAK, BUREAU OF JUST. STATS., PARENTS IN PRISON AND THEIR MINOR CHILDREN 1 (2008), available at <http://www.bjs.gov/content/pub/pdf/pptmc.pdf>.

⁷⁹ Declaration of Pauline Ndzie Ex. D, at ¶¶ 3–4.

calling her fiancé, and her child suffered from not being able to speak to his father figure.⁸⁰

51. Studies also note the benefits that increased contact with loved ones has on incarcerated individuals: incarcerated who keep in touch with their families are less likely to pose problems to correctional staff and other inmates.⁸¹ High phone rates diminish these cost-saving benefits.

52. High rates can also have a detrimental impact on access to justice for persons in the midst of their criminal court cases. For example, petitioner Jean Ross, an attorney who represents many incarcerated persons with the Prisoner Initiative Project, spends \$100-\$250 per month on contact with her clients.⁸² The high cost of phone calls makes it difficult for her to be available to her clients, and she often has to limit the time she spends on the phone with them, even when they are struggling with difficult issues.⁸³

53. By straining the ability of attorneys to interact with their clients, excessively high telephone rates undermine low income individuals' access to justice.

D. High Phone Rates Impose Additional Hardships on Immigrant Detainees

54. Immigrant detainees are particularly vulnerable to the high cost of prison phone rates. They are so vulnerable that the Newark Field Office of Immigration and Customs Enforcement (ICE) included in their contract with Essex County a stipulation that immigrant detainees not be charged for commissions. Essex County has ignored this provision.⁸⁴

⁸⁰ Declaration of Crystal Gibson Ex. A, at ¶¶ 5-6.

⁸¹ U.S. DEP'T OF JUSTICE, OFFICE OF THE INSPECTOR GEN., CRIMINAL CALLS: A REVIEW OF THE BUREAU OF PRISONS' MANAGEMENT OF INMATE TELEPHONE PRIVILEGES, Ch. II n.6 (1999), available at <http://www.usdoj.gov/oig/special/9908/>.

⁸² Declaration of Jean Ross Ex. E, at ¶ 6.

⁸³ *Id.* at ¶ 8.

⁸⁴ See *supra* note 27 and accompanying text.

55. New Jersey has approximately 2,200 beds for immigrant detainees in private and county correctional facilities. Essex County's contract with Newark ICE provides 800 beds in the Essex County Correctional Facility and an additional 450 beds in the privately-run Delaney Hall.⁸⁵ Hudson County contracts with ICE's New York field office to provide 450 beds, while Bergen County provides 194 beds.⁸⁶ Elizabeth Detention Center, which is owned by the Corrections Corporation of America (CCA), can house 300 immigrants facing immigration proceedings in New Jersey.⁸⁷

56. Unlike individuals who are held on criminal charges, people facing immigration charges are considered "civil" detainees, and may be held without bail, and can be incarcerated with no clear endpoint to their detention.⁸⁸ In November and December 2012, detainees in New Jersey spent an average of 62 days in detention.⁸⁹ Among states with at least 250 individuals leaving ICE custody, detainees in New Jersey had spent the fifth longest average number of days in detention.⁹⁰ Seven percent of detainees were detained for over six months (180 days).⁹¹ Given how easy it is for them to be brought into the detention system and how difficult it may be to get out, it is particularly important for immigrant detainees to keep in touch with their families and the outside world.

57. The especially high phone rates in the county jails that house detainees also impact immigrants' abilities to pursue their legal cases. Since immigrants in deportation proceedings do not have a right to government-appointed counsel, many immigrant

⁸⁵ FREEMAN & MAJOR, *supra* note 26, at 11.

⁸⁶ LINDSAY CURCIO ET. AL., DETENTION WATCH NETWORK, EXPOSE & CLOSE: HUDSON COUNTY JAIL, NEW JERSEY 2 (2012), *available at* <http://www.detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/ExposeClose/Expose-Hudson11-13.pdf>; Monsy Alvarado, *More Immigrant Detainees To Be Housed in Bergen Lockup*, THE BERGEN RECORD (May 4, 2013), http://www.northjersey.com/news/206069191_More_immigrant_detainees_to_be_housed_in_Bergen_lockup.html.

⁸⁷ Immigration and Customs Enforcement and Corr. Corp. of America, Contract for Comprehensive Secure Detention Services, Elizabeth, NJ (March 3, 2010) (on file with NYU Immigrant Rights Clinic).

⁸⁸ See 8 U.S.C. § 1226(a) (providing authority to detain potentially any noncitizen); § 1226(c)(2); *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring) (holding that detention of noncitizens may be continued for an indeterminate length of time so long as it is not "unreasonable" or "unjustified").

⁸⁹ TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, SYRACUSE UNIV., LEGAL NONCITIZENS RECEIVE LONGEST ICE DETENTION (2013), *available at* <http://trac.syr.edu/immigration/reports/321/>.

⁹⁰ *Id.*

⁹¹ *Id.*

detainees represent themselves *pro se*. In fact, as of 2011, 83% of detained immigrants were unrepresented.⁹²

58. Frequently, lawful permanent residents may be eligible for cancellation of removal, a discretionary form of relief from deportation that requires the immigration judge to determine the immigrant's good moral character and the hardship their deportation would cause to her family.⁹³ To support this type of application, a detainee would need access to reasonable intrastate phone rates in order to contact family, friends, employers, and schools within the state. This contact allows a detainee to gather documentation of the positive equities of her case to present to the immigration judge. The currently prohibitive intrastate phone rates prevent detainees from meaningful access to their records and evidence.

59. Petitioner Sherin Makar, for example, faced immigration detention for three years while he navigated the immigration system seeking refuge from persecution and torture. Mr. Makar reports that without the help of a pastor who raised money to support his case, he would not have been able to reach his immigration lawyer by phone and would likely have faced deportation to Egypt.⁹⁴

E. High Phone Rates Disproportionately Impact African American and Latino Families in New Jersey.

60. In total, the state Department of Corrections (DOC) houses 22,000 inmates in its eight adult male correctional facilities, three youth facilities, and one women's facility.⁹⁵ The median sentence incarcerated individuals face in DOC facilities is six years, and 46% are

⁹² *Improving Efficiency and Ensuring Justice in the Immigration Court System: Hearing Before the Senate Committee on the Judiciary*, 112th Cong. 1 (2011) (testimony of the American Immigration Lawyers Assoc.), available at <http://www.aila.org/content/default.aspx?docid=38020>.

⁹³ 8 U.S.C. § 1229(b).

⁹⁴ Declaration of Sherin Makar Ex. B, at ¶¶ 2, 6.

⁹⁵ *Frequently Asked Questions*, *supra* note 15.

serving sentences of one to five years.⁹⁶ As of January 2012, 61% of people housed in DOC facilities were African American, 22% were White, and 16% were Latino.⁹⁷

61. While the state Department of Corrections did renegotiate its contract with Global Tel*Link in February 2014 and eliminated commissions, the loved ones of people incarcerated in state-operated facilities still pay \$2.55 for a fifteen-minute call, in addition to other ancillary charges levied by the phone company in order to maintain the necessary account to receive those calls.⁹⁸ As the statistics above illustrate, New Jersey African American and Latino families pay an unfair share of these high costs.
62. The families of people housed in New Jersey county jails pay the highest intrastate phone rates, as high as \$8.50, described above. This applies even to the families of the 73.3% of persons in these jails who have not been convicted. As of October 2012, 71% of these people were either African American or Latino.⁹⁹ One justification that counties provide for some of these rates is budget balancing, but this is done at the expense of the most vulnerable minority New Jersey residents.
63. Petitioner Rhonda Williams, who is African American, describes how she and her mother only speak to her brother once a month because of high rates.¹⁰⁰ Neither has seen her brother in two years because her mother is physically disabled.¹⁰¹ Their family carries the heavy burden of the exorbitant rates with each passing year and feels exploited by the phone companies.
64. Without action, the BPU will leave New Jersey families, especially those from impoverished African American and Latino communities, vulnerable to exploitation and corporate price gouging.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ See *supra* Section I.B.

⁹⁹ VANNOSTRAND, *supra* note 15, at 9.

¹⁰⁰ Declaration of Rhonda Williams, Ex. G, at ¶ 4.

¹⁰¹ *Id.* at ¶ 3.

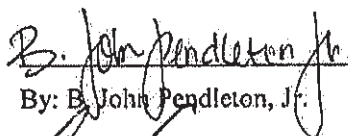
IV. Relief Sought


65. Petitioners request that the BPU exercises its jurisdiction to limit the rates, terms, and conditions imposed by intrastate ICS providers to "just and reasonable rates", not to exceed \$0.05 per minute, for incarcerated people, detainees, and their families in both state and county prisons and jails.¹⁰²

66. Petitioners request that the BPU hold regional public hearings to gather further public input on this proposal. The BPU should take into account the existence of technology and the rates available in other states when setting just and reasonable rates that reflect the costs of providing phone services in New Jersey prisons and jails. Just and reasonable rates should not exceed the approximate rate for all calls from neighboring state prisons.¹⁰³

Date:

Respectfully submitted,


By: B. John Pendleton, Jr.


Craig Levine

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¹⁰² See N.J.S.A. § 48:2-21(b).

¹⁰³ Notice to Friends and Family of New York State Inmates, *supra* note 1.

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Note: The pagination of these exhibits does not appear in the paper copies that were physically filed with the Board of Public Utilities. The page numbers were added to this electronic version for convenience.

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Exhibit A

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

In the Matter of Petition Seeking)
Rulemaking and Order Regulating)
Rates Charged by Global Tel*Link)
and Securus for Phone Calls from)
New Jersey Correctional Facilities)

DECLARATION OF PETITIONER CRYSTAL GIBSON

I, Crystal Gibson, do declare:

1. I am a resident of Newark, New Jersey. I am a thirty-seven year-old single mother and unionized asbestos abatement/demolition worker.
2. My fiancé was incarcerated in several facilities from 2011 to August 2013 and in that time I had to pay for his phone calls, setting up and closing taking down accounts, and commissary. His medical assistance would also come out of his commissary.
3. I felt that the prison was extorting people on the outside living in poverty and often without education for the mistakes of those on the inside.
4. In-state but out-of-county phone bills were the biggest strain on me. Bayside State Prison required me to own a landline, which I felt was a huge financial penalty, as I otherwise use a cellphone, and often resulted in my missing my fiancé's calls because I am not always home. I blew \$200 to \$300 a month on calls to any given facility. This was difficult for me as a working woman, but I cannot imagine how others without jobs would be able to afford such costs.
5. I watched my fiancé get skinnier with each visit but I wasn't able to provide him with money for more food because of her phone costs. For three months my cable and phone service were cut off and holidays included few gifts. Some months I could not afford

basic household cleaning supplies and toiletries and others I could not afford to call at all and only wrote my fiancé.

6. This was really stressful for me because I was concerned about my fiancé's health and needed to hear his voice. This was also stressful for my six year old child who my fiancé had helped parent. He is the only father the child has known and they needed frequent contact.

I certify, pursuant to New Jersey Rules of Court § 1:4-4, that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April- 29, 2014
Newark, NJ


Crystal Gibson

Exhibit B

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

In the Matter of Petition Seeking)
Rulemaking and Order Regulating)
Rates Charged by Global Tel*Link)
and Securus for Phone Calls from)
New Jersey Correctional Facilities)

DECLARATION OF PETITIONER SHERIN MAKAR

I, Sherin Makar, do declare:

1. I have been a resident of Jersey City, New Jersey for the past 28 years. I am a native of Egypt.
2. I submit this declaration in support of the petition to the New Jersey Board of Public Utilities, asking them to regulate the unfair phone rates because persons in detention and their struggling loved ones should not have to decide between phone calls and basic necessities. Detainees should be treated like human beings and not a source of profit for jails and companies.
3. I was held in non-punitive, civil immigration detention for approximately three years, the time it took me to prevail in my case, until October 2012. I received relief under the Convention Against Torture as a Coptic Christian.
4. I experienced the phone costs at Middlesex Adult Corrections Center, Essex County Correctional Facility, Hudson County Correctional Center, and Monmouth County Correctional Institution in addition to a facility in Alabama.
5. My phone calls to my family in Jersey City were significantly cheaper from Alabama at approximately \$4.00 for a 20 minute call than they were from the various New Jersey facilities to Jersey City. While the costs were a great burden to me, I saw many inmates who were entirely unable to afford to be in touch with their families.

6. My sister, who worked to help him fight my immigration case, initially set up an account for phone service. However, this was too expensive to maintain. I had extreme difficulty with the prison diet and had the money on my phone account switched to my commissary account. The phone company charged me a fee even for this switch.
7. My sister worked two jobs, has young daughters, and had already lost much money assisting me through my court cases. A pastor for our church aided my family with financial support. Without this I may have been deported to an uncertain future in Egypt.
8. Immigrant detainees cannot catch a break anywhere; the New Jersey Board of Public Utilities should make phone calls to family members and others outside of detention accessible by regulating phone rates. For many detainees who have trouble adjusting to county jail facilities, phone calls are their only source of contact with the outside world and necessary support.

I certify, pursuant to New Jersey Rules of Court § 1:4-4, that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 9, 2014
Jersey City, NJ

Sherin Makar
Sherin Makar

Exhibit C

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

In the Matter of Petition Seeking)
Rulemaking and Order Regulating)
Rates Charged by Global Tel*Link)
and Securus for Phone Calls from)
New Jersey Correctional Facilities)

DECLARATION OF PETITIONER LORI MONTEIRO

I, Lori Monteiro, do declare:

1. I live in Belleville, NJ. My boyfriend is currently incarcerated Southern State Correctional Facility. He has been incarcerated for one year.
2. I am submitting this declaration to the Board of Public Utilities in support of a petition to regulate the rates for phone calls from prisons and jails. Calling my boyfriend is expensive, but I am not just doing this for myself. I know there are many people who don't work and mothers on social security who really can't afford the calls, and I hope they can get some relief from the high prices.
3. Until recently I spent an average of \$50 a week to get calls from my boyfriend, and I still couldn't talk to him as much as I wanted to. I was happy to see that the rates went down recently. Now the calls cost just under \$3.00 for fifteen minutes, and I end up spending about \$25 a week. I would still like to talk to my boyfriend every day and can't afford it.
4. Every time I add money to my account with Global Tel*Link, the company takes a surcharge of 19%. I am only able to add money in \$50 increments, so I lose \$9.50 each week. Even with the change in the rates, this surcharge has not changed.
5. Since my boyfriend is incarcerated in Southern New Jersey and I live in Northern New Jersey, it is also expensive to travel to visit him. I usually visit twice a month. In between, we rely on phone calls to stay in touch.

6. I used to work as a medical receptionist, but I recently got laid off and am planning to start nursing school soon. Now that I am unemployed, it is much harder to afford phone calls with my boyfriend.
7. It really makes me feel for people who don't have a steady income and truly can't afford the cost of the calls. I still often make calls for friends who are worse off than I am and need to speak to people in prison.
8. Even after the recent changes, the cost of calls and the surcharges from Global Tel*Link make it too hard for many of us to talk to our loved ones. I hope the Board of Public Utilities will act to make it less expensive for people to call our parents, children, and partners in prisons and jails.

I certify, pursuant to New Jersey Rules of Court § 1:4-4, that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 10, 2014
Belleville, NJ


Lori Monteiro

Exhibit D

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

In the Matter of Petition Seeking)
Rulemaking and Order Regulating)
Rates Charged by Global Tel*Link)
and Securus for Phone Calls from)
New Jersey Correctional Facilities)

DECLARATION OF PETITIONER PAULINE NDZIE

I, Pauline Ndzie, do declare:

1. I am an immigrant from Cameroon and have lived in the United States for twenty-four years. I have lived that entire time in New Jersey. In 2008, I was detained by Immigration and Customs Enforcement (ICE) and was held in Hudson County Jail for five months. Now I am back with my family in Newark.
2. I submit this declaration in support of the petition to the New Jersey Board of Public Utilities, asking them to regulate the unfair phone rates from jails in New Jersey. I do not want other families to go through what I went through, especially families with children. When you have immigration problems it is already very stressful, and phone rates that make it too expensive to talk to your family just make the situation worse.
3. I have three children who are all U.S. citizens. When I was detained in Hudson County Jail, my children were only 7, 15, and 18 years old. They had to live without me while I was detained. It was very difficult for me to keep in touch with them during that time. That felt terrible because I knew they needed their mom to help them through all the things kids go through at those ages.
4. The jail's limited visiting times conflicted with my kids' school hours, so we relied on the phone to stay in touch. My calls to my family often dropped after five minutes. Then I would have to pay again multiple times to reach them.

5. I ended up spending up to \$25 on a single phone call. At that price, I usually couldn't afford to call more than once a week. It was very hard for me to be so out of touch with my kids when they were going through their teenage years and really needed their mother's support.
6. I hope that the New Jersey Board of Public Utilities will change the system so phone companies have to charge fair rates. It isn't fair to keep children from talking to their mother because of the high cost of phone calls.

I certify, pursuant to New Jersey Rules of Court § 1:4-4, that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 14, 2014
Newark, NJ

Pauline
Pauline Ndzie

Exhibit E

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

In the Matter of Petition Seeking)
Rulemaking and Order Regulating)
Rates Charged by Global Tel*Link)
and Securus for Phone Calls from)
New Jersey Correctional Facilities)

DECLARATION OF PETITIONER JEAN ROSS

I, Jean Ross, do declare:

1. I live in Princeton, NJ and have been an attorney since 1976. In 2002, I retired from my employment with the State of New Jersey, having worked as an attorney in the state mental health, advocacy, and child protective service systems.
2. Since my retirement, I have been providing pro bono legal and advocacy services for people who are incarcerated in New Jersey state prisons and their families. I work throughout the state prison system, but primarily with people in New Jersey State Prison.
3. I am submitting this declaration in support of a petition to the Board of Public Utilities in New Jersey (BPU), seeking regulation of the rates charged not only to families, but also to lawyers and other advocates, who need to be accessible and maintain close contact with their clients in prison. I hope this petition can help me be more effective in my work and more accessible to the many people who need my services, by decreasing the financial burden of accepting their collect calls.
4. Many people in New Jersey prison need civil legal and advocacy services relating to the conditions of their confinement, but can't afford to pay the fees of other private attorneys. Unlike some of our neighboring states, New Jersey doesn't have an institutional law project or other community agency that provides these services. Therefore, I am one of the few providers of these services for people incarcerated in New Jersey prisons. People

learn about my services through word of mouth, and then reach out to me primarily by phone.

5. My work is important, and even literally life saving to my clients. I receive many collect calls and letters each day from people in New Jersey prisons, and sometimes I get calls about medical emergencies that are acted on only after I contact the prison or the Department of Corrections..
6. I do not charge for my services, my clients are overwhelmingly indigent, and I receive no third party funding, so my husband and I pay all of the associated costs of my work, including the cost of the collect phone calls I receive from my clients in prison.
7. I created the Prison Initiative Project (PIP), a not-for-profit project of the Center for Action Research. I donate approximately \$10,000 each year to PIP to cover the costs associated with my work.
8. I have been spending between \$120 and \$220, each month, on collect calls from people in New Jersey prisons.
9. I was pleased to hear that the phone rates from the New Jersey state prisons were recently reduced. However, even after that decrease, my bill from Global Tel*Link in February 2014 was \$201.55
10. My ability to pay the costs of collect calls from prison is not unlimited, so I cannot accept all of the collect calls that are made to my office. Thus, even when I spend hundreds of dollars a month for prison phone calls, the high cost of these calls limits my ability to be available for my incarcerated clients. People often call me in great distress, and I cannot spend as much time talking to them as I believe is necessary. I also have to limit how often I communicate with individual clients, because the calls are so expensive.
11. I hope the BPU will limit the rates phone companies can charge for calls from prisons. BPU action would help me be more effective in providing free legal services to more

people in prison. Because my services directly affect the conditions of the lives of my clients and my families, rate reductions would make a huge difference for my clients and their families.

I certify, pursuant to New Jersey Rules of Court § 1:4-4, that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 4, 2014
Princeton, New Jersey


Jean Ross, Esq.

Exhibit F

GLOBAL TEL*LINK
PO BOX 2827
MOBILE AL 36652-2827

GTL**Billing Details**

Page 2 of 3

Account Number: 6099246508

Due Date: 03/24/14

Invoice Number: 6099246508-00145

Invoice Date: 02/28/14

Previous Balance

\$193.58

Payments/Adjustments:

Payments Received

01/30/14

(\$73.53)

02/12/14

(\$120.05)

Subtotal

(\$193.58)

Adjustments

\$0.00

Subtotal

\$0.00

Total Payments/Adjustments:

(\$193.58)

Past Due Amount:

\$0.00

Current Services:

Summary of Current Services:

\$188.36

Account Fee(s):

\$0.00

Taxes:

STATE/LOCAL

\$13.19

Total Current Services

\$201.55

Total Amount Due on 03/24/14

\$201.55



Exhibit G

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

In the Matter of Petition Seeking)
Rulemaking and Order Regulating)
Rates Charged by Global Tel*Link)
and Securus for Phone Calls from)
New Jersey Correctional Facilities)

DECLARATION OF PETITIONER RHONDA WILLIAMS WHETSONE

I, Rhonda Williams Whetsone, do declare:

1. I am a resident of Newark, New Jersey. My brother Ronald has been incarcerated in Northern State Prison in Trenton, New Jersey for ten years. I live with my mother, who is disabled, my husband, and my five children.
2. I submit this declaration in support of the petition to the New Jersey Board of Public Utilities asking them to lower the cost of phone calls from prisons and jails and New Jersey. Less expensive calls would help my mother and I talk to my brother more and make staying in touch with him less of a financial burden on my family.
3. Talking on the phone is basically the only way my mother and I can contact Ronald. It is a long trip from Newark to Trenton, especially for my mother Pauline. She has emphysema, a lung disease, and uses an oxygen machine all the time. That makes it difficult for her to go anywhere. In the past when we have gone to visit Ronald, we were often turned away and not allowed to see him. Now I haven't seen him for two years.
4. It is very expensive for my family to talk to my brother on the phone. We can only afford to speak to Ronald once a month. My husband is the only breadwinner supporting all of us, so we don't have a lot of money to spend on these calls. In between calls, I worry about Ronald and whether anything has happened to him in prison. I wish we could be in touch more than once a month, but right now we can't afford it.

5. I hope the Board of Public Utilities will require the phone companies to charge lower rates so families like mine will be able to talk to our loved ones without worrying about the high costs.

Dated: April 29, 2014
Newark, NJ

Rhonda Williams Whetsone // RH
Rhonda Williams Whetsone

Exhibit H

IN THE MATTER OF PETITION SEEKING
RULEMAKING AND ORDER REGULATING
RATES CHARGED BY GLOBAL TEL*LINK
AND SECURUS FOR PHONE CALLS FROM
NEW JERSEY CORRECTIONAL FACILITIES

ON PETITION IN FRONT OF
THE BOARD OF PUBLIC UTILITIES

STATEMENT OF INTEREST OF THE GARDEN STATE BAR ASSOCIATION

Steve Garry Hockaday, President

Garden State Bar Association

P.O. Box 7316

Trenton, NJ 08628

Tel: (973) 500-8744

gardenstatebar.org@gmail.com

The Garden State Bar Association ("GSBA") respectfully submits this statement to inform the Board of Public Utilities ("BPU") of the importance of the outcome of The Petition to the organization's mission. The GSBA is New Jersey's oldest minority bar association. Since 1962, our statewide African American bar has been singularly committed to assisting African Americans and other ethnic minorities in becoming an effective part of New Jersey's judicial and legal systems, to advancing the science of jurisprudence and to improving the administration of justice in New Jersey. The organization has over 1000 past and current members that practice in every facet of the legal field.

Justice is not being served when the cost of high intrastate phone rates made from prisons and jails in New Jersey disproportionately impacts African American and Latino families. Since each correctional facility in the State allows only one company to provide telephone services, families must choose between paying that company's rates or forgoing communication with their families and loved ones.

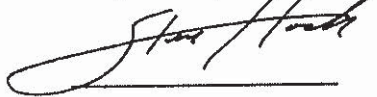
There is no reasonable explanation for these exorbitant rates. In fact, technological advances are decreasing costs to Inmate Calling Service providers. Yet site commissions, a major driver of ICS costs, have increased over the last ten years and have contributed to the unjust enrichment of the ICS providers and correction facilities on the economically fragile backs of African American and Latino families.

Further harming the GSBA and its community, the exorbitant telephone rates impede the ability of attorneys to interact with their clients and undermine low income individuals' access to justice. Our organization summarily rejects the imposition of these unfair phone charges. Amongst the GSBA membership ranks are prosecutors, public defenders, defense attorneys and judges on all levels of government who are united in support of the GSBA joining this Statement so that in the near future, detainees can access necessary services and speak to their families by phone at reasonable rates.

For the foregoing reasons, we urge the Board of Public Utilities to enact fair and reasonable rates in this matter.

Dated: April 28, 2014

Respectfully Submitted,



Steve Garry Hockaday, President

Garden State Bar Association

P.O. Box 7316

Trenton, NJ 08628

Tel: (973) 500-8744

gardenstatebar.org@gmail.com

Exhibit I

IN THE MATTER OF PETITION SEEKING
RULEMAKING AND ORDER REGULATING
RATES CHARGED BY GLOBAL TEL*LINK
AND SECURUS FOR PHONE CALLS FROM
NEW JERSEY CORRECTIONAL FACILITIES

ON PETITION IN FRONT OF
THE BOARD OF PUBLIC UTILITIES

STATEMENT OF INTEREST OF THE NEW JERSEY ADVOCATES FOR IMMIGRANT
DETAINEES

Karina Wilkinson, Co-Founder
Middlesex County Coalition for Immigrant
Detainees, Member Organization of the
New Jersey Advocates for Immigrant Detainees
c/o American Friends Service Committee
Immigrants Rights Program
89 Market Street #6

Newark, New Jersey 07102

Tel: (973) 943-0343

karinawilkinson@gmail.com

New Jersey Advocates for Immigrant Detainees respectfully submits this statement to inform the Board of the history of this petition and the importance of its outcome to the organization's mission. New Jersey Advocates for Immigrant Detainees has a strong interest in ensuring that detainees can access necessary services and speak to their families by phone.

New Jersey Advocates for Immigrant Detainees (NJAID) is a coalition of civic and religious organizations (individual participation is also welcome) whose goals include bringing attention to the plight of immigrant detainees in our state's jails; working to improve the conditions in those institutions; and advocating for the reduction and elimination of the use of detention for immigrants.

NJAID's member organizations include American Friends Service Committee (AFSC) Immigrant Rights Program; Casa de Esperanza; Casa Freehold; the Episcopal Immigration Network; IRATE First Friends; the Latin American Legal Defense and Education Fund; Lutheran Office of Governmental Ministry in NJ; Middlesex County Coalition for Immigrant Rights; NJ Association on Correction; NJ Forum for Human Rights; Pax Christi NJ; People's Organization for Progress- Bergen County Branch; the Reformed Church of Highland Park; Sisters of St. Joseph of Chestnut Hill ESL; and the Unitarian Universalist Congregation at Montclair.

Several of our member organizations conduct visits to county jails and prisons in New Jersey or provide religious services to immigrant communities, and we collect detainee and prisoner complaints through Open Public Records Act (OPRA) requests from Essex County Correctional Facility (ECCF). In 2010, we partnered with American Friends Services Committee and the Immigrant Rights Clinic at New York University (NYU) School of Law to write a report titled *Locked Up But Not Forgotten* on immigrant detainees in New Jersey jails. In 2012, we partnered

with the Immigrant Rights Clinic at NYU again on a report called *Immigration Incarceration*. Throughout all of these experiences, a frequent theme we encounter is the exorbitant phone rates being charged in New Jersey facilities.

After discovering that the contract Essex County holds with the Department of Homeland Security prohibits the county from receiving commissions on calls from detainees in Immigration and Customs Enforcement (ICE) custody, we began advocating to lower rates at the county and state levels. We became aware that the Federal Communication Commission's August action on prison phone rates would not affect rates of phone calls between facilities and persons within New Jersey and realized that state action is necessary. We submitted comments to the FCC on both interstate and intrastate rates. Our first comment was cited in the FCC's ruling on interstate rates. We also met with legislators, the Board of Public Utilities, and the Ratepayer Counsel which led us to the conclusion that we should file a petition with the Board of Public Utilities.

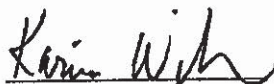
We are aware of two past petitions on this issue made by incarcerated persons in ECCF and the Hudson County Correctional Center (HCCC). The 2010 Hudson petition, which was signed by over 180 detainees, included as a primary grievance the 800% increase in phone costs that immigrant detainees experienced when transferred to that facility. This and the accompanying hunger strike brought this issue to our attention. The 2012 Essex petition, signed by 274 detainees, cited intermittent access to phone calls and exorbitant rates as the second and third most important issues after sanitary bathrooms.

In our work we have heard stories of parents sacrificing calls with their children because they couldn't afford them, and of others being released from detention with thousands of dollars of debt from phone calls. Petitioner Sherin Makar, a former ICE detainee who was transferred to a facility in Alabama, found it cheaper to call Bergen County, New Jersey from there than from county jails in the state. We urge the state and counties to lower rates to less than 5 cents per minute and to eliminate all commissions, as other states have done.

For the foregoing reasons, we urge the Board of Public Utilities to enact fair and reasonable rates in this matter.

Dated: April 29, 2014

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Karina W. Wilkinson", written over a horizontal line.

Karina Wilkinson

New Jersey Advocates for Immigrant Detainees

c/o American Friends Service Committee

Immigrants Rights Program

89 Market Street #6

Newark, New Jersey 07102

Tel: (973) 943-0343

karinawilkinson@gmail.com

Exhibit J

IN THE MATTER OF PETITION SEEKING
RULEMAKING AND ORDER REGULATING
RATES CHARGED BY GLOBAL TEL*LINK
AND SECURUS FOR PHONE CALLS FROM
NEW JERSEY CORRECTIONAL FACILITIES

ON PETITION IN FRONT OF
THE BOARD OF PUBLIC UTILITIES

STATEMENT OF INTEREST OF THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE

Craig Levine, Esq.

Scott Welfel, Esq.

New Jersey Institute for Social Justice

60 Park Place, Suite 511

Newark, NJ 17102

Tel: (973) 624-9400

Email: clevine@njisj.org

The New Jersey Institute for Social Justice ("NJISJ") respectfully submits this statement to inform the Board of the history of this petition and the importance of its outcome to the organization's mission. NJISJ has a strong interest in ensuring that detainees can access necessary services and speak to their families by phone.

NJISJ is a Newark-based urban research and advocacy organization dedicated to the advancement of New Jersey's urban areas and residents. We work to identify, analyze and address the underlying causes of social and economic disparities and to challenge the barriers that constrain cities and their residents from achieving their full potential.

One enormous barrier that perpetuates urban inequality is the disproportionate impact of the criminal justice system and corresponding challenges to reentering and reintegrating into civil society upon release from the custody of the criminal justice system. Beginning in 2001, NJISJ has played a central role in addressing the challenges to reentry that formerly incarcerated individuals face, both in seeking policy reform and in directly serving formerly incarcerated individuals. For example, NJISJ held a series of "Reentry Roundtables" from 2002 to 2003, which ultimately led to the New Jersey Legislature's passage of three prisoner reentry bills: The Education and Rehabilitation Act, the Fair Release and Reentry Act, and the Strengthening Women and Families Act.

NJISJ has also served over 400 formerly incarcerated individuals through our Workforce Development Program, providing participants with pre-apprenticeship training, basic skills instruction, workforce readiness instruction, and a structured work experience that emphasizes vocational-based training for entry-level skills in the construction trades. In addition to the more than 400 participants who have completed our program, we have provided employment placement assistance to more than 600 formerly incarcerated individuals. One of the most important factors in successful reentry is having a support network of friends and family to which one can return home. The expensive rates for calling incarcerated family members often prevented our clients, during their period of incarceration, from communicating with their friends and family as often as they otherwise would have, which in turn made it more difficult to reestablish these connections once our clients returned home. As such, NJISJ seeks to lower the

cost of calls to and from correctional facilities in New Jersey, which would allow incarcerated individuals to maintain strong ties with their friends and families during their period of incarceration and thereby facilitate a smoother and more stable transition from incarceration to civil society.

NJISJ also supports market-driven solutions to social and economic disparities. There is currently a stark lack of competition in the prison telephone industry in New Jersey. Only two companies provide telecommunications services to correctional facilities, and neither incarcerated individuals nor their family members who pay the phone bills have any choice of company, or any market power, when making calls to and from New Jersey's correctional facilities. The economic model here, in which those paying the bills are not party to the contractual negotiations and have no influence over the rates they must pay, conflicts with basic economic theory, rendering regulatory reform particularly appropriate.

In line with our mission, the New Jersey Institute for Social Justice supports this petition to regulate phone rates in New Jersey jails, prisons, and detention centers.

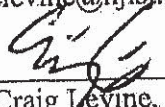
For the foregoing reasons, we urge the Board of Public Utilities to enact fair and reasonable rates in this matter.

Dated: April 30, 2014

Respectfully submitted,

The New Jersey Institute for Social Justice
60 Park Place, Suite 511
Newark, NJ 17102
Tel: (973) 624-9400
Email: clevine@njisj.org

By: _____


Craig Levine, Esq.
Senior Counsel and Policy Director



Scott Welfel, Esq.
Staff Attorney

Exhibit K

New Jersey State and Selected County Phone Rates and Commissions

NJ Prison or County Jail Operator¹	Commission²	Distance³	Current Cost of 15 Minute Call
<i>Cape May</i>	70.1%	In-State	\$4.25
<i>Bergen</i>	60.5%	Intra LATA (in area code)	\$4.80 (debit) \$4.95 (collect)
		Inter LATA (out of area code)	\$7.30 (debit) \$7.50 (collect)
<i>Atlantic, Burlington, Hunterdon, Mercer, Ocean, Union, & Warren</i>	56%	Intra LATA	\$5.50
		Inter LATA	\$8.50
<i>Hudson, Camden, Cumberland, Middlesex, Monmouth, Morris & Somerset</i>	55%	Intra LATA	\$4.75
		Inter LATA	\$7.75
<i>Essex & Sussex</i>	54%	Intra LATA	\$4.00 (debit) \$4.20 (collect)
		Inter LATA	\$5.50 (debit) \$5.70 (collect)
<i>Gloucester</i>	53%	In-State	\$4.50
<i>Passaic & Salem</i>	Passaic: 53% Salem: 50%	In-State	\$4.25
<i>State of NJ</i>	none	Flat Rate	\$2.55

¹ Jails in Bergen, Essex, and Hudson Counties currently have capacity for 194, 800, and 450 ICE detainees respectively. They hold those detainees in addition to people in criminal custody.

² Phone companies agree, as part of their contracts with counties to operate in their jails, to pay a commission. The commission is a percentage of the company's revenue from calls from that jail, which the company pays to the county.

³ Intra LATA rates are for non-local calls within an area code, that is, those with a different prefix number but the same area code. Inter LATA rates are for intrastate calls in a different area code.

Exhibit L

NJ DOC Renewal Addendum:

T-1934 Contract 61618

EXHIBIT A: County Rate/Commission Matrix Options -modified 2.11.2014

Rate Option	Call Type	Surcharge	MOU (Per Minute)	Commissions
1	Local:	\$2.50	\$0.05	56%
	Intralata:	\$2.50	\$0.20	56%
	InterLATA	\$2.50	\$0.40	56%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
2	Local:	\$1.75	\$0.05	55%
	Intralata:	\$1.75	\$0.20	55%
	InterLATA	\$1.75	\$0.40	55%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
3	Local:	\$4.50	\$0.00	53%
	Intralata:	\$4.50	\$0.00	53%
	InterLATA	\$4.50	\$0.00	53%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
4	Local:	\$1.00	\$0.05	54%
	Intralata:	\$1.95	\$0.15	54%
	InterLATA	\$1.95	\$0.25	54%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
5	Local:	\$0.95	\$0.05	35%
	Intralata:	\$1.25	\$0.15	35%
	InterLATA	\$1.25	\$0.15	35%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%
6	Local:	\$0.95	\$0.03	15%
	Intralata:	\$1.00	\$0.10	15%
	InterLATA	\$1.00	\$0.10	15%
	Interstate:	\$0.00	*\$0.21/\$0.25	0%

Note: All Regulatory approved Federal, State and Local Taxes and; Fees apply.

* Interim Rate Caps Pursuant to FCC Order: \$0.21 Per minute for Prepaid/Debit; \$0.25 Per Minute for Collect

Exhibit M

NJ DOC Renewal Addendum – June 4, 2010

T-1934 Contract 61618

EXHIBIT A: County Rate/Commission Matrix Options

Modified from 1/6/2006

Rate Option	Call Type	Surcharge	MOU (Per Minute)	New Technology	Optional Dedicated Site Admin. Deduct \$4,200 per Mo. from Commissions
1	Local:	\$2.50	\$0.05	56%	\$4,200
	Intralata:	\$2.50	\$0.20	56%	
	InterLATA	\$2.50	\$0.40	56%	
	Interstate:	\$2.50	\$0.89	56%	
2	Local:	\$1.75	\$0.05	55%	\$4,200
	Intralata:	\$1.75	\$0.20	55%	
	InterLATA	\$1.75	\$0.40	55%	
	Interstate:	\$1.75	\$0.89	55%	
3	Local:	\$4.50	\$0.00	53%	\$4,200
	Intralata:	\$4.50	\$0.00	53%	
	InterLATA	\$4.50	\$0.00	53%	
	Interstate:	\$4.50	\$0.00	53%	
4	Local:	\$1.00	\$0.05	54%	\$4,200
	Intralata:	\$1.95	\$0.15	54%	
	InterLATA	\$1.95	\$0.25	54%	
	Interstate:	\$2.50	\$0.69	54%	
5	Local:	\$0.95	\$0.05	35%	\$4,200
	Intralata:	\$1.25	\$0.15	35%	
	InterLATA	\$1.25	\$0.15	35%	
	Interstate:	\$2.50	\$0.59	35%	
6	Local:	\$0.95	\$0.03	15%	\$4,200
	Intralata:	\$1.00	\$0.10	15%	
	InterLATA	\$1.00	\$0.10	15%	
	Interstate:	\$1.00	\$0.25	15%	

Note: All regulatory approved Federal, State and Local taxes and; fees apply.

Exhibit N



Digital Solutions / Inmate Telephone, Inc.

Inmate Telephone Services Agreement

This Inmate Telephone Services Agreement (hereinafter, the "Agreement") is effective this _____ day of _____, 2009, by and between INMATE TELEPHONE, INC. located at 4200 Industrial Park Drive, Altoona, PA 16602 (hereinafter "ITI") and Bergen County located at 1 Bergen Plaza, Hackensack, NJ 07601 (hereinafter "Customer") (collectively, the "Parties"). The Parties agree that this Agreement shall govern the mutual rights and obligations of the parties with respect to the inmate and resident facilities owned, built, or operated by the Bergen County Sheriff's Office (the "Facilities").

I. **TERM.** This Agreement is effective as of the date set forth above, and shall remain in force and effect for Five (5) years from the date of installation of ITI's inmate telephone system (the "Initial Term") unless the Agreement is earlier terminated in accordance with the termination provisions herein. At the end of the Initial Term of this Agreement the terms and conditions of this Agreement shall continue to be in effect until either party delivers written notice of cancellation with a minimum of sixty (60) days notice. Upon final termination, ITI agrees to work in good faith to ensure a seamless transition to the newly selected Vendor.

II. NCOTS INSTALLATION AND OPERATION.

A. In consideration for the services and equipment provided by ITI as set forth herein, Customer grants to ITI the sole and exclusive right and license to install, maintain, operate and derive revenue from all non-coin operated telephones ("NCOTS") for use by inmates at the Facilities or any additional facilities built or controlled by Customer during the Initial Term and any Renewal Term, or any extensions thereof.

B. ITI shall use reasonable efforts to install the NCOTS within ninety (90) days after the Effective Date. Customer agrees that the configuration of the NCOTS, including the number of telephones, shall be at ITI's discretion based on system usage at each Facility. Customer hereby grants to ITI reasonable access to and the use of the Facilities for the installation, maintenance and operation of the NCOTS. Customer further agrees to provide adequate space for the telephones that is easily accessible to the inmates, and adequate space for the equipment necessary to operate the NCOTS that is easily accessible to ITI or its representatives. Customer shall provide at its own expense electrical outlets sufficient in number and capacity for operating the NCOTS and related equipment in each Facility.

C. ITI shall be responsible for all line charges and any phone company charges related to the use of the NCOTS installed by ITI at the Facilities.

D. Except as otherwise expressly provided in this Agreement, all phones, phone-related equipment, hardware and software provided by ITI, including the NCOTS and all components thereof, and ITI's proprietary Call Recording Technology System (the "CRTS") shall remain the property of ITI. Customer warrants and represents that it shall not transfer, encumber, pledge, remove, relocate or grant any interest in said property without ITI's express written consent.

E. Maintenance and repair of the equipment installed by ITI shall be the responsibility of ITI, provided, however, that the cost of any repair or maintenance required due to the misuse, neglect, or willful misconduct of Customer, its agents or employees, or of any inmate, shall be the responsibility of Customer, and Customer shall be responsible for obtaining reimbursement from the Inmate Fund, if appropriate. Any repairs required due to misuse, neglect, or willful misconduct of Customer, its agents or employees, or any inmate, will be billed to Customer at ITI's standard rates, including travel and

expenses. ITI shall perform all such maintenance in accordance with the service level commitments in **EXHIBIT C**.

F. ITI shall provide call recording and/or monitoring services for conversations made through the NCOTS, including the use of ITI's proprietary Call Recording Technology System (the "CRTS"). Customer agrees it shall be solely responsible for designating, and shall designate, through the Inmate Telephone Management System which conversations are to be recorded and/or monitored ("designated conversations") and which conversations are not to be recorded or monitored. The CRTS will record designated conversations to a commercial grade redundant storage device; provided, however, that ITI shall not be obligated to record any conversation that is privileged or to make any recording that prohibited by law (including without limitation privacy laws) or a court order. ITI reserves the right, in its sole discretion, to decline to record any conversation which ITI has a good faith belief would violate any law, court order, or other legal obligation or prohibition.

ITI agrees to provide redundant storage devices for recorded conversations for the duration of the contract unless a different period has been agreed to in writing by both Parties. ITI and/or its subcontractors will use industry standard methods to store recorded conversations; however,

ITI offers no warranty as to the accuracy or reliability of its conversation recordings or the accuracy or reliability of the storage media on which the conversation recordings are stored. In the event of a failure of one of the systems for any reason beyond ITI's control, including but not limited to a system malfunction, loss or interruption of power, or any other event beyond ITI's control, Customer agrees that ITI shall not be liable for any claims of any nature based on a failure to record, monitor, or store a conversation.

III. COMPENSATION

A. In consideration for granting ITI the exclusive right to operate the NCOTS at the Facilities, ITI will pay Customer Sixty and One Half (60.50 %) percent of the gross billed revenue generated by calls made from the NCOTS at the Facilities. ~~Gross Billed Revenue as used herein means ITI's total revenue from all billed calls before any deductions or bad debt. Taxes and fees collected on behalf of Local, State, Federal or other governmental agencies are not considered to be revenue for the purpose of this definition. Payments to Customer shall be due within thirty (30) days following the collection of records from the preceding month. All commission payments shall be final and binding upon Customer unless written objection thereto is received by ITI within sixty (60) days of ITI's mailing of the commission payment to Customer. Upon request ITI shall provide Customer with an annual accounting of all revenue received under this Agreement.~~

B. Exhibit A to this agreement sets forth the rate schedule for inmate use of the NCOTS system. These rates

shall be effective for the term of this Agreement, except as modified in accordance with Article III(C) below.

C. In the event of a change, repeal, enactment or amendment of any statute or regulation by any governmental authority that increases ITI's costs to perform under this Agreement or reduces ITI's allowable rates that may be charged to NCOTS users, ITI and the Customer shall negotiate in good faith to adjust the rates and terms of payment as set forth in Article IV.A above, to recover the increase in operating costs or to compensate for losses in revenues due to decreases in the rates chargeable to NCOTS users. If an agreement can not be reached by both parties either party reserves the right to cancel the agreement with cause. Any rate increase for reasons other than those stated herein shall be subject to Customer's written approval.

IV. TERMINATION

A. In the event of termination of this Agreement for any reason, Customer agrees to allow ITI access to the Facilities in order to remove all equipment, hardware, and software which belongs to ITI. ITI agrees to remove its equipment within thirty (30) days after expiration or termination of the Agreement.

B. Customer acknowledges and agrees that its liability in the event of a termination without cause shall include the cost of installing and removing all of ITI's phones and equipment at the Facilities and forfeiture of the final two (2) months of commission payments. Customer hereby agrees that the cost of installing and removing ITI's phones and equipment is Five Hundred Dollars (\$500.00) per phone. This provision shall not be construed as limiting ITI's right to pursue any other available remedy for a breach of the contract by Customer.

C. In the event a party believes the other is in material breach of this Agreement, that party shall give the breaching party written notice specifying the nature of the breach and an intention to terminate the Agreement if the breach is not cured in accordance with this provision. This written notice shall include, but is not limited to, a statement of the facts relating to the breach and the action required to cure the breach. The breaching party shall have thirty (30) business days from the receipt of such notice to cure the breach unless the breach is incapable of being cured within the thirty (30) business day period, in which case the Agreement may not be terminated if efforts to cure the breach are initiated within the thirty (30) business day period and diligently pursued to completion. If the breach is not cured within ninety (90) days after the receipt of written notice of the breach, the other party may terminate the Agreement effective immediately upon notice of termination to the breaching party, and may pursue any available legal or equitable remedies for the breach.

D. For the purposes of this Article IV, the term "cause" shall not include nonperformance due to Force Majeure Conditions, or any other causes beyond a party's control. Force Majeure Conditions include but are not limited to the following: Acts of God, acts of civil or military authority, government regulations, embargoes, epidemics, war, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, strikes, power blackouts, volcanic action, other major environmental disturbances, unusually severe weather conditions, acts or omissions of third parties, including suppliers and common carriers (collectively referred to as "Force Majeure Conditions").

V. LIABILITY

A. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, ITI SHALL NOT BE LIABLE FOR ANY LOSS OR DAMAGE ARISING DIRECTLY OR INDIRECTLY FROM THE USE OF OR INABILITY TO USE ITI'S NCOTS, INMATE TELEPHONE MANAGEMENT SYSTEM HARDWARE OR SOFTWARE, THE EQUIPMENT OR SOFTWARE PROVIDED UNDER EXHIBIT B, OR ANY RECORDING HARDWARE OR SOFTWARE PROVIDED BY ITI UNDER THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY DAMAGES OR LIABILITY RESULTING FROM THE INABILITY TO RECORD OR MONITOR CONVERSATIONS, LOSS OF DATA, CALL RECORDINGS, OR CALL DETAIL INFORMATION, OR THE USE OF ANY CONVERSATION RECORDINGS OR CALL DETAIL INFORMATION. ITI SHALL NOT BE RESPONSIBLE FOR ANY INDIRECT, CONSEQUENTIAL, SPECIAL, INCIDENTAL OR PUNITIVE DAMAGES, OR FOR LOSS OF PROFITS OR REVENUE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. ITI'S MAXIMUM LIABILITY UNDER THIS AGREEMENT, INCLUDING ANY DUTY TO DEFEND OR INDEMNIFY, SHALL BE LIMITED TO THE LESSER OF (1) \$1,000,000 OR (2) THE AGGREGATE GROSS BILLED REVENUE RECEIVED BY ITI LESS COMMISSIONS PAID TO CUSTOMER UNDER THIS AGREEMENT.

B. Subject to the limitations set forth in Article VI.A, ITI shall indemnify and hold Customer, and its agents, employees, officers, and directors harmless against claims, losses or liability (including reasonable attorney's fees) arising from changes to or destruction of property, or injury to persons, occurring solely as a result of ITI's negligent installation and or maintenance of the NCOTS.

C. Notwithstanding anything herein to the contrary, ITI shall not be liable for extended interruption of service from any cause by parties beyond their control or due to Force Majeure conditions as defined within this agreement. In no event shall ITI be liable for holes in the walls or damage to floors or other damages that may result from the installation or removal of the phones using reasonable installation and removal techniques.

D. ITI normally does not install any phone cord longer than 18 inches on its telephones for multiple reasons, including inmate safety, and thus, unless specifically requested by the Customer and agreed to by ITI in writing, ITI will not install any phone cord longer than 18 inches in the Facilities.

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, IN NO EVENT SHALL ITI BE LIABLE FOR ANY DAMAGES OR LOSSES RESULTING FROM THE USE OR MISUSE OF ANY PHONE CORD LONGER THAN 18 INCHES, INCLUDING WITHOUT LIMITATION, INJURIES OR HARM TO INMATES DUE TO MISUSE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES IN ADVANCE. ITI SHALL NOT BE RESPONSIBLE FOR MONITORING THE INMATES USE OF ANY PHONE CORD. CUSTOMER ASSUMES ALL RESPONSIBILITY FOR ANY USE OR MISUSE OF PHONE CORDS LONGER THAN 18 INCHES BY ANY INMATE OR BY CUSTOMER'S EMPLOYEES AND/OR AGENTS.

Customer hereby agrees to indemnify and hold ITI harmless from any claims, losses or liability of any nature (including reasonable attorney's fees) arising from the use or misuse of phone cords longer than 18 inches, including but not limited to any destruction of property, or injury to persons, occurring solely as a result of the misuse of such phone cords.

E. Customer agrees to indemnify and hold ITI, its officers, employees, agents, and subcontractors harmless from all claims, losses or liability of any nature (including reasonable attorney's fees) arising out of or related to (1) any negligent acts or omissions by Customer, its officials, agents or employees, (2) any failure to record or monitor conversations, loss or damage to call recordings for any reason, and/or (3) any use or alleged misuse of any monitored or recorded conversation by Customer or any agency and/or individual involved in law enforcement, including but not limited to the use or misuse of any call logs requested by the Facilities, any recordings made or used by the Facilities, or any information obtained while monitoring inmate conversations.

VI. INTELLECTUAL PROPERTY

A. Confidentiality. Customer acknowledges that ITI's inmate telephone and call recording systems, the hardware and software incorporated therein, and related information provided under the Agreement are confidential and proprietary to ITI (collectively, the "Proprietary Information"). The Proprietary Information is and will remain the sole property of ITI. Customer agrees to keep the Proprietary Information confidential and to use it only in connection with this Agreement for purposes of installing, operating and/or maintaining the NCOTS and the CRTS. Customer shall not use the Proprietary Information in any way detrimental to ITI or for the benefit of any third party, or disclose any Proprietary Information to any third party without ITI's express written consent. Customer further agrees to use reasonable commercial efforts to protect the secrecy and confidentiality of and avoid disclosure or misuse of the Proprietary Information, including without limitation, those commercially reasonable measures which Customer uses to protect its own highly sensitive confidential information. Moreover, Customer agrees that it will not reverse engineer or disassemble, make or cause to be made derivative works of any kind from, or make copies of, the Proprietary Information, absent ITI's express written permission. In the event of any unauthorized disclosure or use of the Proprietary Information, Customer shall notify ITI immediately in writing and will use reasonable efforts to minimize the damage from such disclosure or use. Customer will be solely responsible for any breach of this provision and in addition to the foregoing will, at its sole expense, take all reasonable measures including, but not limited to, court proceedings, to prohibit or prevent further unauthorized disclosure or use of the Proprietary Information as a result of such breach.

B. Limited License. Customer acknowledges that the hardware and software incorporated into the NCOTS and CRTS includes patented, patent pending, and/or copyrighted technology ("ITI's Proprietary Technology"). This Agreement entitles Customer to use ITI's Proprietary Technology solely for the operation of the NCOTS and the CRTS. No license, express or implied, in ITI's Proprietary Technology is granted to Customer other than to use ITI's Proprietary Technology in the manner and to the extent required for the operation of the NCOTS and the CRTS.

C. Ownership of Intellectual Property. Customer acknowledges and agrees that any and all intellectual property rights in ITI's Proprietary Technology, including but not limited to any pending patent application or issued patent covering any aspect of ITI's Proprietary Technology is and will remain the sole property of ITI. Though no separate royalty is being charged for the use of the CRTS, the parties acknowledge and agree that a reasonable royalty associated with the CRTS is incorporated into the compensation being paid under this Agreement; in this sense, the CRTS is being provided at no additional royalty.

D. Restrictions. Customer agrees that it will not reverse-engineer, disassemble or decompile any equipment, component, or software which is part of the NCOTS and/or CRTS.

E. No Source Code License. To the extent that the licenses hereunder reach any software, Customer acknowledges and agrees that the licenses granted hereunder extend solely to such software in object form only, and that nothing in this Agreement shall be construed as granting any license whatsoever to the underlying source code that is used to generate any such software.

F. The parties agree that a breach of the obligations in this Article VI would cause irreparable harm and thus the non-breaching party shall be entitled, without limitation, to court ordered injunctive relief to prevent such harm in the event of an apparent or threatened breach of such obligations.

VII. MISCELLANEOUS

A. Authority. Each party to this Agreement warrants and represents that it has the unrestricted right and requisite authority to execute, deliver and perform under this Agreement and to authorize the installation and operation of the NCOTS and related equipment in the Facilities. Each party further warrants and represents that the execution of this Agreement has been duly authorized and that the signatory below has the legal authority to enter a binding contract on behalf of the party, and that all actions, resolutions and/or express authorizations required to be obtained prior to entering this Agreement have been taken, passed and/or obtained.

B. Governing Law. The terms of this Agreement shall be interpreted, construed and enforced pursuant to the laws of the Commonwealth of Pennsylvania, and the Parties irrevocably consent to the personal jurisdiction of the federal and state courts presiding in Pennsylvania.

C. Successors. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns when permitted by this Agreement.

D. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

E. Entire Agreement. This Agreement, including **EXHIBITS A C** and ITI's response to the County issued RFP #08-010 dated September 24, 2008 contains the entire agreement by and between the Parties and replaces any prior or existing agreements, oral or written, between the Parties concerning the subject matter herein. In the event of a conflict or inconsistency between the following documents constituting this Agreement, the following order of precedence shall apply.

1. This Agreement (including Exhibits A and C)
2. ITI's response to County issued RFP#08-010 dated September 24, 2008

F. Modifications. This Agreement cannot be varied or modified orally and can only be varied or modified by a written instrument signed by a representative of each party who has legal Authority to enter such Agreement.

G. Assignments. ITI reserves the right to assign its rights and obligations under this Agreement with the prior consent of Customer, which consent shall not be unreasonably withheld. Any sale or transfer of the business, property or operations of the Facilities shall include an assumption by the buyer of all the terms and conditions of this Agreement. Customer may assign this Agreement only with the written consent of ITI, which consent shall not be unreasonably withheld.

H. No Waiver. No waiver by either party of any event of default under this Agreement shall operate as a waiver of any subsequent default.

I. Dispute Resolution. Any claim or controversy arising out of or relating to the Agreement shall, upon a party's written request, initially be submitted to a senior manager from each party, who will meet in person and confer in good faith to resolve the dispute within fifteen (15) business days following such notice. In the event the Parties cannot resolve the dispute, the Parties may pursue any available legal or equitable remedy consistent with this Agreement.

J. Notices. All notices required to be in writing herein shall be delivered by each party to the other party by registered mail at the following address. Either party may change the designated address and/or recipient upon written notice to the other party in accordance with this provision.

If to ITI:

Inmate Telephone Inc.
Attn: CFO, James Faith
cc: COO, James Rokosky
4200 Industrial Park Drive
Altoona, PA 16602

If to Customer:

Bergen County Sheriff's Office
Bergen County Justice Center
Attn: Sheriff of Bergen County
10 Main Street
Hackensack, NJ 07601

K. No Joint Venture. Neither this Agreement nor the disclosure or receipt of Proprietary Information constitutes or implies any promise or intention to enter into a partnership, agency, employment, or joint venture relationship, or to make any investment in any entity, to purchase any products or services by any entity, or to offer any additional information, products, or services to any entity. The relationship hereby established between the Parties is that of independent contractors.

L. Interpretation. Section headings in this Agreement are for reference only and shall not be construed as modifying any provisions herein.

M. Survival. Sections IV(A)-(C), V(A)-(E), VI(A), (C)-(D) and (F), and VII(B)-(E), (J), and (L) shall survive any termination or expiration of this Agreement.


N. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, and all of which shall together constitute one agreement.

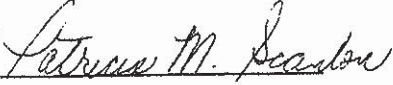
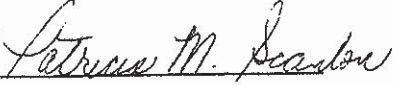
O. Vendor agrees that all call detail records and recordings generated by the NCOTS shall remain the property of the Customer. Customer grants ITI the right to access and use

said data for normal business operations including, but not limited to, billing, commission preparation, commission payment, and troubleshooting.


IN WITNESS WHEREOF, the Parties have executed this Agreement the date first above written.

CUSTOMER

By: 
Name: ROBERT LANK
Title: COUNTY ADMINISTRATOR

Witness: 
By: 
Name: PATRICIA M. SCANLON

INMATE TELEPHONE, INC.

By: 
Name: James Rokosky
Title: Chief Operating Officer

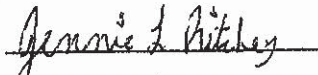
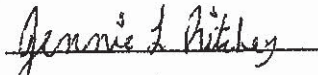
Witness: 
By: 
Name: Jennie L. Ritchey

EXHIBIT A – RATES

LOCAL						
MILES	INITIAL MINUTES	DAY	EVENING		NIGHT/WEEKEND	
		ADDT'L MINUTE	INITIAL MINUTES	ADDT'L MINUTE	INITIAL MINUTES	ADDT'L MINUTE
All	FLAT RATE	FLAT RATE	FLAT RATE	FLAT RATE	FLAT RATE	FLAT RATE
Flat Rate on 15-minute Collect Call: \$1.75						
Flat Rate on 15-minute Debit Call: \$1.65						
INTRALATA						
MILES	INITIAL MINUTE	DAY	EVENING		NIGHT/WEEKEND	
		ADDT'L MINUTE	INITIAL MINUTE	ADDT'L MINUTE	INITIAL MINUTE	ADDT'L MINUTE
All	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20
Collect Call Operator Surcharge: \$1.95						
Debit Call Operator Surcharge: \$1.80						
INTERLATA						
MILES	INITIAL MINUTE	DAY	EVENING		NIGHT/WEEKEND	
		ADDT'L MINUTE	INITIAL MINUTE	ADDT'L MINUTE	INITIAL MINUTE	ADDT'L MINUTE
All	\$0.35	\$0.35	\$0.35	\$0.35	\$0.35	\$0.35
Collect Call Operator Surcharge: \$2.25						
Debit Call Operator Surcharge: \$2.05						
OUT-OF-STATE/INTERSTATE						
MILES	INITIAL MINUTE	DAY	EVENING		NIGHT/WEEKEND	
		ADDT'L MINUTE	INITIAL MINUTE	ADDT'L MINUTE	INITIAL MINUTE	ADDT'L MINUTE
All	\$0.69	\$0.69	\$0.69	\$0.69	\$0.69	\$0.69
Collect Call Operator Surcharge: \$3.50						
Debit Call Operator Surcharge: \$3.25						
OUT OF COUNTRY						
MILES	INITIAL MINUTE	DAY	EVENING		NIGHT/WEEKEND	
		ADDT'L MINUTE	INITIAL MINUTE	ADDT'L MINUTE	INITIAL MINUTE	ADDT'L MINUTE
All	\$0.99	\$0.99	\$0.99	\$0.99	\$0.99	\$0.99
Collect Call Operator Surcharge: \$4.95						

EXHIBIT C – Service Levels

I. Introduction

The Support Desk provides our clients with immediate assistance with issues including hardware, installation, application issues, and general requests for information. The support and service staff's goals are to be accurate, available advocates and to provide advice and consultation on how best to use our products in your facility.

II. Summary

ITI employs a staff of qualified technicians, installers, trainers, and developers to meet the needs of our client base in regard to Support and Maintenance of our Offender Communication System (OCS).

The services we provide include:

- Free phone support. ITI coverage pattern responds to all calls within four (4) hours and provides **immediate** assistance to catastrophic failures. Our coverage goals and staffing levels during normal business hours are designed to provide response within minutes of your call. Currently, normal business hours are Monday through Friday 8:00 AM – 5:00 PM, EST.
- 24-hour, 7-days a week support. All ITI inmate phone customers receive support at no cost.

ITI enjoys excellent client satisfaction ratings from the customers that the Support Department supports; the company has retained over 98 percent of its customers for over 13 years. The Support personnel represent the means of communication between our client facilities and the company with regards to software and hardware issues. ITI utilizes state-of-the-art, CRM tracking system to log all support calls, track the progress, and document resolutions to ensure the most effective, timely resolution of customer concerns. Managers evaluate Support's performance and have the ability to monitor all calls and e-mails.

Client facilities utilize a toll-free telephone number, fax, or e-mail to call into Support for issue or initiate service calls. At the onset of a call, the technician receives information about the caller's request and asks a standard set of questions to ascertain the nature, severity, and details concerning the caller's request. The technician assigns a tracking number for the client, and through our online tools, begins diagnosing and immediately providing answers to the problems. Our goal is to address the callers concern with the first contact, and not pass caller from technician to technician, or annoying voice response systems. Every call is documented, and the resolution is recorded. Client facilities can request detailed documentation with regards to their support usage. Such reports include the description, assignment, all journal entries of our progress, resolutions, recommendations, and the amount of time taken on the call.

III. Guidelines for Support Issues

When taking calls our Specialist reviews the history of the specific calling facility and or issue, and ascertains the scope of the problem. Through dialogue with the caller the most appropriate approach towards resolving the issue is determined. We have the ability to remotely access facilities through (modem, RAS, or VPN). If time is available and a recurring issue requires instruction, our technicians are more than capable, and willing to walk the customer through instruction, and resolution of the problem. **Our goal is to be available when our customers need us, provide accurate information to resolve customer issues, be an advocate to get the things done that make our customers job easier, and provide advice on how our system can accomplish just that.**

We know that some issues can not be fixed immediately. Each open call is reviewed daily. Technicians stay in contact with facility, and keep you informed. All progress is document through Journal notes, and can be reported by use of the tracking number issued when the call was opened. Each call has a priority and each priority has a goal.

Figure 1 - Priority Metrics

Priority	Category	Criteria	Response	Notification	Resolution	Metric
1	Critical	Mission critical area is down with no alternative to conduct business. (IMPACT: Everywhere)	IT will respond within 1hr to provide course of action and estimate of resolution.	IT will provide status updates every hour until resolved. Or an alternative interval agreed on with customer.	Immediate attention until resolved, or customer approved resolution/plan established. Escalation process must be used after 8hrs of continuous effort.	96% resolved within 4 hours
2	Important	Non-Mission critical area-down with no alternative to conduct business, or mission critical area down with alternative, or a single workstation or application is unusable. Application failing frequently. (IMPACT: Limited)	IT will respond within 4hr to provide course of action and estimate of resolution.	Status updates upon status change. No periods greater than 24 hrs.	Priority attention - Problem dispatched and work begins within 4hrs of call M-F, or beginning of next Business day, utilize in-group expertise. Escalation process triggered after 24hrs.	96% resolved within 24 hours
3	Individual impact - workaround available	Single user problem: <ul style="list-style-type: none"> workaround is available; client able to work in degraded mode Performance issue 	IT will respond within 1 business day to provide course of action and estimate of resolution.	Status updates upon status change. No periods greater than 3 days. Or as agreed to with requester.	Problem dispatched within 4hrs of call M-F, or beginning of next business day, utilize past problem resolutions, in-group expertise, and research to resolve problem. *	96% resolved within 7 days
4	Scheduled over five days	Any request that: <ul style="list-style-type: none"> requires effort beyond 5 business days. Installation requests. Projects. Has no immediate business or service performance impact 	IT will respond within 3 business days to provide course of action and estimate of resolution.	As determined by project plan	Problem assigned to project resource, as required by plan.	As stated in published project plan

Mission Critical -- Major application/services such as All Station phones, Commissary, Oracle, ALL External Telephone lines, etc. are all examples of Mission Critical if they are totally unavailable. Key

areas such as booking phone, if no alternate is available, or PODS with no service are considered Mission Critical. The above guidelines/examples are used in the absence of direction from the facility.

NOTE: We will match effort to restore Mission Critical failures. If the customer chooses to withdraw from the issue, leave for the day, or otherwise become unavailable or deny ITI access, unless there is a hand-off to authorized personnel at the site, we must also withdraw. The active case will be re-classified as Priority 2, and an agreement will be made on how and when to proceed.

IV. ESCALATION PATHS:

Answering Service / Technician -> Service Manager -> Development -> Executive

ITI provides availability to reach our Technicians 24 -hours each day, seven days per week, 365 days a year. During normal business hours phone calls are taken by our Support Techs providing immediate response to any service issues.

During hours when the business offices are closed, we provide an answering service with a live operator that will dispatch calls to our on-duty technicians. All calls will be returned within one (1) hours. **This is a worst case scenario**; in actuality, our call coverage has built-in checkpoints every 20 minutes, contacting the next available Technician, until the customers call has been acknowledged. It is very unusual for the customer not to have spoken to an ITI technician within the first 20 minutes of the initial call.

Technicians have access to their manager for additional support, and all resources necessary to resolve problems after hours, or during business hours. The managers have access to all staff as needed, and our extended service providers.

ITI will use a variety of means to service customer accounts. We have affiliates located nationwide to augment our service force. We have escalation paths into our Telco providers serving your facilities. We resolve most of our system issues remotely with tools built into our platform facilitating diagnostics and maintenance service.

Exhibit O



Global Tel*Link Corporation
www.gtl.net

Corporate Headquarters
12021 Sunset Hills Road
Suite 100
Reston, VA 20190

Operations Center
107 St. Francis Street
32nd Floor
Mobile, AL 36602

February 25, 2014

DELIVERED VIA EMAIL

Mr. Phil Lisk
IT Director
Bergen County Sheriff's Office
County of Bergen
Bergen County Jail
160 South River Street
Hackensack, NJ 07601

Re: FCC Order to Cap Inmate Interstate Rates

Dear Phil,

Pursuant to GTL's emails and our telephone conversations, please use this letter as formal notification that Bergen County's Sheriff Department (BCSD) inmate interstate calling currently conforms to the new FCC Order and Federal Stay actions.

As of February 7th 2014 GTL changed all interstate rates to the required \$0.25 per minute for traditional collect inmate calls and \$0.21 per minute for prepaid collect/debit inmate calling throughout the Country including Bergen County Jail.

All other Instate rates remain the same. Commissioning on Interstate calling has been removed. GTL would be pleased to conduct a study to explore rate and fee increases to make your Department and GTL whole and recover any possible revenue lost to the Sheriff's Department.

Please advise and contact me at my office number 732-928-7600 should you have any questions. Thank you.

Sincerely,

Timothy Miller

Timothy Miller
GTL Regional Sales Manager
tmiller@gtl.net

Exhibit P

AGREEMENT

CC:# 58-13

Res. # 235 -13

THIS AGREEMENT, made this 26th day of March, 2013, is made between the COUNTY OF CAPE MAY, (hereinafter "County"), and **SECURUS™ TECHNOLOGIES, INC.** (hereinafter "Vendor"), with an office located at 14651 Dallas Parkway, Suite 600, Dallas, Texas 75254;


WITNESSETH, that the Vendor, for and in consideration of the payments hereinafter specified and agreed to be made by the County, hereby covenants and agrees to furnish, deliver, install and maintain one (1) new inmate telephone system and jail management system at the Cape May County Correctional Center in accordance with the 2013 Bid Specification No. 3, a portion of which are hereby annexed and made a part of this Agreement as fully, and with the same effect as if the same had been set forth in the body of this agreement.

IN CONSIDERATION OF THE PREMISES, the County hereby agrees to pay to the Vendor for said services when furnished in accordance with the proposal, sums noted on the attached *Proposal Pages* for a five (5) year term commencing **March 27, 2013 thru March 26, 2018**.

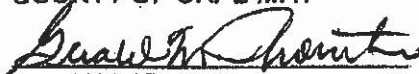
This contract is to be binding upon the County, its Successors or Assigns, and upon the Vendor, his Heirs and Assigns.

IN WITNESSETH WHEREOF, the County has caused this Instrument to be signed by its Director, attested by its Clerk, and its corporate seal to be hereunto affixed, pursuant to a resolution passed for that purpose, and the Vendor have set their hands and seal the day and year first above written.

ATTEST:


Elizabeth Bozzelli
Clerk of the Board

COUNTY OF CAPE MAY


Gerald M. Thornton
Freeholder Director

WITNESS:

SECURUS™ TECHNOLOGIES, INC.


Robert Pickens

Chief Operating Officer

APPROVED AS TO FORM:


Barbara Bakley-Marino, Esquire
County Counsel



Proposal Instructions

1. **General Information:** The County of Cape May (hereinafter the "County") is requesting Competitive Contracting Proposals for the purpose of awarding a contract to **Furnish, Deliver and Install One (1) New Inmate Telephone and Jail Management System for the Cape May County Correctional Center** (hereinafter "CMCCC"); as defined, described, and listed herein. This Proposal is being issued pursuant to N.J.S.A.19:44A-20.4, et seq. "Fair and Open." The County shall award a contract on a Competitive Contracting basis to the most responsible firm who, in the opinion of the County, best meets all of the conditions and specifications outlined in this Request for Competitive Contract and best fulfills the needs to provide the system described herein, cost and other factors considered; i.e., based on evaluations conducted in accordance with N.J.S.A.40A:11-4.1, et seq. and N.J.A.C. 5:34-4.1, et seq. The contents of the proposal submitted by the successful firm and this Request for a Proposal may become part of the contract for these services. The successful firm will be expected to execute said contract with the County of Cape May within twenty-one (21) days, pursuant to N.J.S.A.40A:11-24(b).
- ✓ **Securus has read, understands, and complies.**
2. **Submission of Proposals:** Sealed Proposals shall be received in accordance with public advertisement as required by law, a copy of said notice being attached hereto and made a part of these specifications. Each Proposal shall be submitted in a sealed envelope and Proposer shall clearly write their name, address and the Proposal description to **Furnish, Deliver and Install One (1) New Inmate Telephone and Jail Management System for the Cape May County Correctional Center** on the front of the envelope. The County assumes no responsibility for proposals opened in error due to improperly marked envelopes, Proposals shall be forwarded to the attention of Elizabeth Bozzelli, Clerk of the Board, 4 Moore Road, Cape May Court House, NJ 08210.
- ✓ **Securus has read, understands, and complies.**

Proposal Instructions

- a. A Proposal cannot be withdrawn after the expiration of the time established for receiving proposals, nor can any changes in price or other details be made by letter, telephone or verbal statement.

✓ Securus has read, understands, and complies.

- b. It is the Proposer's responsibility to insure that proposals are presented to the County on the hour and at the place designated herein. Proposals may be hand delivered, mailed or sent express carrier. The County assumes no responsibility for Proposals forwarded by mail or express carrier. Proposals received after the designated time and date will be returned to the proposer unopened.

✓ Securus has read, understands, and complies.

- c. Proposals must be signed in ink by a duly authorized official and only original signatures will be accepted. Any Proposal showing any erasure/alteration must be initialed in ink by the Proposer.

✓ Securus has read, understands, and complies.

- d. Proposal costs, fees, rates and commissions shall be included with this submittal. Failure to properly execute the Proposal Pages or to include pricing pages shall constitute a material defect that can neither be cured nor waived and shall result in rejection of the Proposal.

✓ Securus has read, understands, and complies.

- e. The County shall not be responsible for any expenses incurred by any firm in preparing or submitting a proposal. All proposals shall provide a straight forward, concise delineation of the firm's capabilities to satisfy the requirements of this RFP. Emphasis should be on completeness, cost and clarity of content.

✓ Securus has read, understands, and complies.

Proposal Instructions

- f. Proposers shall furnish one (1) signed original Proposal and one (1) Electronic Copy (PDF File) of the completed Proposal delivered by 2:00 P.M. Prevailing Time on the due date. PDF Files via e-mail will not be accepted. If you cannot provide a PDF File of the Proposal, include one (1) copy with signed original.

✓ Securus has read, understands, and complies.

FOR ITEMS #3-#5 AS FOLLOWS, REFER TO THE PROPOSAL PAGES CONTAINED HEREIN FOR THE COMPLETION OF THE APPOINTMENT OF THE PROCESS AGENT-SERVICE.

3. **Choice of Law:** The laws of the State of New Jersey (without giving effect to its conflicts of laws principles) govern all matters arising out of or relating to this Agreement, including, without limitation its validity, interpretation, construction, performance, and enforcement.

✓ Securus has read, understands, and complies.

4. **Designation of Venue:** Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Superior Court of New Jersey-Law Division sitting in Cape May Court House, New Jersey.

✓ Securus has read, understands, and complies.

5. **Waiver to Contest Jurisdiction:** Each party waives, to the fullest extent permitted by law:

- i. Any objection which it may now or later have to the laying of venue of any legal action or proceeding arising out of or relating to this Agreement brought in the Superior Court of New Jersey-Law Division sitting in Cape May Court House, New Jersey
- ii. Any claim that any action or proceeding brought in such court was brought in an inconvenient forum

✓ Securus has read, understands, and complies.

Proposal Instructions

6. **Award/Reject Proposals:** Pursuant to N.J.SA40A:11-24(a), the Board of Chosen Freeholders of the County of Cape May reserves the right to consider the Proposals for sixty (60) days after the receipt thereof; and further reserves the right to reject any and all Proposals, waive informalities, and make such awards or take action as may be in the best interest of the County.

✓ Securus has read, understands, and complies.

7. **Questions:** All requests for information regarding these specifications shall be directed to Kim Allen, Purchasing Agent, at kallen@co.cape-may.nj.us or 609-465-1125. No further questions will be answered seven (7) days prior to the RFP opening.

✓ Securus has read, understands, and complies.

8. **Pre-Bid Meeting:** A Pre-Bid Meeting will be held on January 23, 2013, 10:30 am at the Cape May County Correctional Center, 125 Crast Haven Road, Cape May Court House, NJ 08210. Proposers are strongly advised to attend. No special considerations will be made at the time of receipt of bids and award of contract for vendors who do not attend. NO EXCEPTIONS.

✓ Securus has read, understands, and complies.

9. **Pre-Bid Walk Through:** Immediately following the Pre-bid Meeting, there will be a walk-through of the CMCCC. This walk-through is mandatory to enable the vendor to familiarize themselves with the needs of the CMCCC.

✓ Securus has read, understands, and complies.

10. **References:** On the EXPERIENCE STATEMENT included herein, all vendors MUST list no fewer than three (3) current references for the provision of Inmate Telephone Systems at Correctional Centers as described herein.

✓ Securus has read, understands, and complies.

Proposal Instructions

11. **Term:** Pursuant to N.J.S.A. 40A: 11-4.2, the contract term shall be for a period of FIVE (5) YEARS, commencing upon authorization by the Cape May County Board of Freeholders on or about March 1, 2013.

✓ Securus has read, understands, and complies.

12. **Irrevocable Proposal:** The Proposals are irrevocable by the subscriber, or his/her/ their or its personal or legal representatives. Said Proposal and award there under is made to the subscriber by the County and shall bind the subscriber, his/her/their or its heirs, executors, administrators, successors or assigns.

✓ Securus has read, understands, and complies.

13. **Business Registration:** Proposers are advised that they are required to be registered with the New Jersey Division of Taxation and to comply with all New Jersey Tax Laws. In accordance with c.57, P.L. 2004, successful Proposer MUST furnish a copy of their State of New Jersey Business Registration Certificate prior to execution of any contract. Non-profit organizations are exempt from this law and therefore must provide a 501 (c) 3 tax exempt certificate and certificate of incorporation.

✓ Securus has read, understands, and complies.

Securus has been issued a Business Registration Certificate from the New Jersey Division of Taxation and a copy of the certificate is provided in Attachment C.

14. **Public Disclosure Statement:** (Public Law 1977, Chapter 33) must be filed in, completely executed and returned with this Proposal.

✓ Securus has read, understands, and complies.

Proposal Instructions

15. **Non-Collusion:** By submission of a proposal, the proposer certifies, under penalty of perjury, that to the best of their knowledge the proposer has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the said project; and that all statements contained in said proposal are true and correct, and made, with full knowledge that the State of New Jersey relies upon the truth of the statements contained in the said proposal and in the statements contained in awarding the contract for the said project. The proposer further warrants that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the proposer.

☒ Securus has read, understands, and complies.

16. **Financial Statements:** With this proposal, vendors shall provide financial statements, including statements of operations, balance sheets and statements of cash flows for the last two (2) fiscal years.

☒ Securus has read, understands, and complies.

Please see Attachment D for Securus financial statements.

As we are a privately held corporation, Securus considers this information highly confidential and proprietary. This information has been submitted for review and Securus respectfully requests that it be removed from our proposal prior to public display of proposals after opening.

17. **W-9:** Successful respondent shall complete a W-9 and submit to Purchasing prior to contract award. The form is available at the following link:
<http://www.irs.gov/pub/irs-pdf/fw9.pdf>.

☒ Securus has read, understands, and complies.

Proposal Instructions

18. **Confidential and Proprietary Designation:** Subsequent to bid opening, all information submitted by respondents and subsequent to an award of contract in response to the bid solicitation is considered public information, except as may be exempted from public disclosure by the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq., and the common law. A respondent may designate specific information as not subject to disclosure when the bidder has a good faith legal/factual basis for such assertion. To assist the County's determination on a claim of confidentiality or protection under OPRA and/or the common law, a respondent must clearly identify such information and address the following points to substantiate the confidentiality claim on the information: (1) the extent to which the information is known outside the owner's business; (2) the extent to which it is known by employees and others involved with the business; (3) the extent of the measures taken by the firm to guard the secrecy of the information; (4) the value of the information to your firm and your competitors; (5) the amount of effort or money expended by the firm in developing the information; and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others. Also, the respondent must commit in writing to assist the County's effort to protect the confidentiality of the documents and/or information should there be an OPRA request for disclosure or a challenge to the confidentiality of the documents/information determined to be confidential by the County.

The County reserves the right to make the determination and shall so advise the bidder. The location in the bid proposal of any such designation should be clearly stated in a cover letter. The County will not honor attempts by bidders either to designate their entire bid proposal as proprietary and/or to claim copyright protection for their entire proposal. Therefore, the bidder must withdraw the confidentiality request or withdraw the proposal.

✓ Securus has read, understands, and complies.

19. **Assignment:** The Proposer is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this contract or its rights, title, or interest therein or its power to execute such contract to any other person, company or corporation without the prior written consent of the Board of Chosen Freeholders.

✓ Securus has read, understands, and complies.

20. **Independence of Firm:** It is expressly agreed by the parties the Proposer is at all times hereunder acting and performing as an independent firm to coordinate the provision of services within the scope of the authority conferred by this contract.

✓ Securus has read, understands, and complies.

Proposal Instructions

21. **Termination for Cause:** Should the County elect to terminate the contract, written notice shall be given to the Proposer no less than thirty (30) days prior to the effective termination date. The Proposer shall be paid for all services provided as of the termination date. No consideration shall be given for loss of anticipated revenue on the terminated portion of the contract. The County reserves the right to terminate the contract for any breach thereof including, but not limited to:

- > Insufficient or lapsed insurance coverage
- > Failure to maintain adequate staffing levels to provide required services
- > Non-performance or unsatisfactory performance of required services
- > Failure to comply with posted traffic and/or safety regulations while on County property,
- > Violation of inmate confidentiality

The County shall provide the Proposer with written notice of any breach of contract or non-compliance with the specifications via ten (10) days written notice. If the Proposer fails to correct all cited deficiencies within the ten (10) days, the County shall have the right at its sole discretion to terminate the contract.

The County's right of termination for breach of contract or specifications shall be in addition to any other remedy provided by law and shall not be the sole remedy available to the County.

- > Either the County or the Proposer may terminate the Contract **without cause** by serving the remaining party with written notice of such intent no less than ninety (90) days prior to the anniversary date of the Contract, or as agreed upon by both parties. All such notice of termination described herein shall be via U.S. Mail and Certified Mail, Return Receipt Requested.

✓ Securus has read, understands, and complies.

22. **Insurance Requirements:** The Proposer shall, for the full duration of the contract, maintain current insurance as listed below.

- > General Liability at \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate for bodily injury and property damage
- > Worker's Compensation at NJ Statutory limits.
- > Automotive Liability at \$1,000,000.00 limits.
- > The County of Cape May and the Cape May County Board of Chosen Freeholders shall be named as additional insured parties. The Proposer's coverage shall be primary to the County and not be contributing with any other insurance available to the County regardless of whether any other insurance is primary, contributing or excess. The County shall be given thirty (30) days written notice of cancellation and said notice must be reflected on the certificate of insurance. The Proposer shall provide copies of all current Insurance Certificates to the County Administrator prior to execution of contract. The Proposer is responsible solely for payments of any deductible associated with any insurance policy.

✓ Securus has read, understands, and complies.

Proposal Instructions

23. Indemnification and application installation:

The Proposer shall defend, indemnify and hold harmless the County of Cape May, the Cape May County Board of Chosen Freeholders, their agents, officers and employees from any claims, suits, losses, liabilities, actions, damages, costs and expenses of any nature whatsoever, whether for personal injury, property damage or other liability arising out of or in any way connected with any of the Proposer's obligations under this contract.

The County of Cape May shall defend, indemnify and hold harmless the Proposer, their agents, officers and employees from any and all claims, suits, actions, damages and costs for personal injury, property damage and other liability arising out of the County's obligations under this contract.

Functionality Of Software/Acceptance: Vendor warrants that the Applications, if used in accordance with vendor's instructions, will function as described in your proposed System Documentation.

Assistance in dealing with problems: Any server or workstation software problem that occurs during the installation of new software shall be the responsibility of the vendor to repair. Any costs shall be the responsibility of the vendor not to include acts of nature and hardware failure. The vendor's installation technician shall stay on site until problems are resolved unless problem relates to hardware and is verified. Time and days of week allowed for system installation: All software and hardware installs on production servers shall be performed on Friday's after 12 noon. Non- production installs may be done at any time but shall have a burn in (burn in to be defined as running with no users 24 hours a day) time of one week before being put into production. Go live day of week shall be Monday unless it is a holiday then Tuesday shall be used.

Written explanation of install components and procedure: Vendor shall provide a written installation plan that is developed after researching Cape May County's present server and workstation configurations. This procedure shall list any pre-requisite software needed with version information and any new software to be installed. The list of new software to be installed shall include what language it is written in (IE: Visual C++, MS Access, or Sybase) what machine it is to be installed on (server or workstation) and the size of file. Vendor shall provide a list of at least 3 references where they installed their software that have a server and workstation configuration similar to Cape May County.

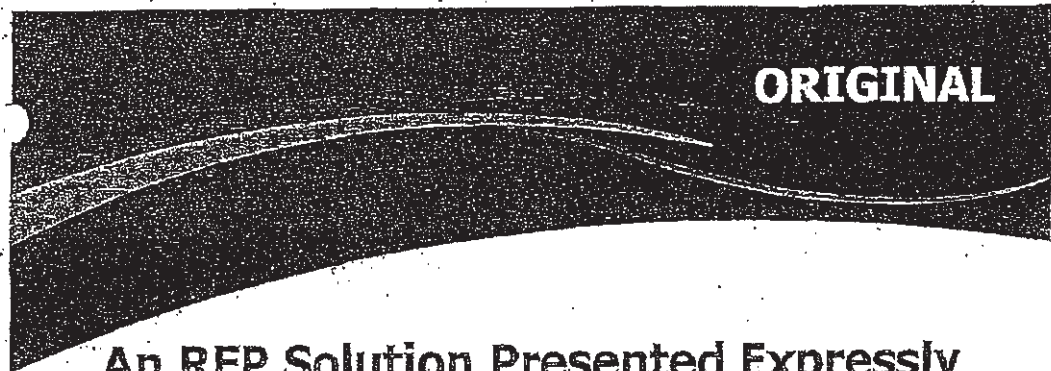
✓ Securus has read, understands, and complies.

24. "PAY-TO-PLAY" — NOTICE OF DISCLOSURE REQUIREMENTS - N.J. P.L. 2005. C.271, SECTION 3: The Proposer is hereby advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission ("ELEC") pursuant to N.J.S.A.19:44A-20, *et seq.* If the Proposer receives contracts in excess of \$50,000.00 from public entities in a calendar year. Annual Disclosures require submission by March 30 of each year covering contracts and contributions for the prior calendar year. It is the Proposer's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at www.elec.state.nj.us or by calling 1-888-313-ELEC. NOTE: Proposer acknowledges that they meet the Notice of Disclosure Requirements with any prior year and resultant contract for the term (Inclusive of optional extension years).

✓ Securus has read, understands, and complies.

Technical Specifications

Reference Page No. 24 thru Page No. 249 of the:



**An RFP Solution Presented Expressly
for**

Cape May County, New Jersey

**RFP for One New Inmate Telephone System
and Jail Management System**

February 13, 2013 by 2:00 P.M.

Presented to:

Elizabeth Bozzelli, Clerk of the Board
4 Moore Road
Cape May Court House, NJ 08210

Presented by:

Sherri Turowsky, Account Manager
Tel: 413-478-4831
Securus Technologies, Inc.,
14651 Dallas Parkway, Ste. 600
Dallas, TX 75254



Proposal Pages

The Web Server must be configured to block access to jail data even if the server's security is compromised. Vendors must describe in detail how this will be accomplished.

✓ Securis has read, understands, and complies.

Xjail data resides in an SQL database. There are, at a minimum, four (4) levels of security that are designed to protect this data.

Level 1 is the County Network which protects the port (80) accessing the Web Server.

Level 2 is the Firewall which protects the servers located on the Network.

Level 3 is the Xjail Application Server which holds the Xjail software and SQL database.

Level 4 is the SQL database which holds the data and sits on a different server than the Web Server and requires authentication.

PROPOSAL PAGES

**REQUEST FOR COMPETITIVE CONTRACTING PROPOSALS TO FURNISH, DELIVER AND
INSTALL ONE (1) NEW INMATE TELEPHONE SYSTEM FOR THE CAPE MAY COUNTY
CORRECTIONAL CENTER**

TO THE BOARD OF CHOSEN FREEHOLDERS:

The undersigned hereby declares that they have carefully read the documents attached and that they fully understand the Proposal Instructions and Technical Specifications and will strictly adhere to all terms and conditions of said documents if awarded a contract therefore.

NOTE: Vendors **MUST** include a schedule of all costs, fees, rates and commissions with this Proposal Submittal. Failure to comply shall constitute a material defect that can neither be waived nor cured and shall result in rejection of the Proposal.

☐ Commission Rate to be paid to the County: (Two options proposed see below)

Option A- 67.1 % Option B - 70.1%

***Note:** This commission rate **MUST** include the provision of the Jail Management System (Section B1, #7, "Note").

Securus Offer Summary

Our offer provides Cape May with the most advanced technology, highly performing service and support staff, and Securus owned products and services that are unmatched by any provider. No vendor can compete with our call products and provider relationships to connect more calls.

Our proposal provides Cape May County:

- Complete turnkey installation upgrade to Secure Call Platform (SCP) that meets or exceeds all aspects of the County's specifications outlined in this RFP.
- Complete turnkey installation and support of friends and family Automated Information Services (AIS)
- Archonix full suite Jail Management system
- Secure Voice Biometric technology for enhanced security and investigative capabilities
- Commission to be paid on gross revenue for a five-year term through Option A or Option B below:

Cape May County NJ – Commission Summary	Option A – Current Rates	Option B – Simplified Rates
Commission Rate for Collect, Prepaid, and Debit calls	67.1%	70.1%
AIS	Included	
Archonix Jail Management System	Included	
Secure Voice Biometrics	Included	

Option A – Current Rates

Call Type	Collect		Prepaid Collect/Debit	
	Surcharge	Per Minute	Surcharge	Per Minute
Local	\$1.75	\$0.05	\$1.75	\$0.05
Intralata/Intrastate	\$1.75	\$0.20	\$1.75	\$0.20
Interlata/Intrastate	\$1.75	\$0.40	\$1.75	\$0.40
Interlata/Interstate	\$1.75	\$0.89	\$1.75	\$0.89

Option B – Simplified Rates *

Call Type	Collect		Prepaid Collect/Debit	
	Surcharge	Per Minute	Surcharge	Per Minute
Local	\$2.00	\$0.15	\$2.00	\$0.15
Intralata/Intrastate	\$2.00	\$0.15	\$2.00	\$0.15
Interlata/Intrastate	\$2.00	\$0.15	\$2.00	\$0.15
Interlata/Interstate	\$2.00	\$0.15	\$2.00	\$0.15
International	\$2.00	\$0.15	\$2.00	\$0.15

*Option 2 – Current Securus rates being used in Passaic and Salem County, NJ today.

Why Simplified Calling Rates –

Given the proliferation of cell phones and Internet calling, the days of long distance calling rates are numbered. Long distance callers can obtain a local number which masks the true identity of the caller and lowers revenues with a lower local rate.

Today, obtaining a local number has never been easier. As such Securus is proposing a standard call structure for all calls regardless of type or distance. These simplified rates are easier to understand and are far more cost effective for calls that are currently rated as long distance. Our research shows call volumes and revenues typically increase. Based on an average 10 minute call the simplified rates are better for inmates and constituents at all call types.

Summary

Securus has worked hard to develop an offer that fully serves the needs of Cape May County Correctional Center and its constituents. We are committed to building a program that incorporates all of your requirements while providing a robust revenue stream for the jail. We recognize that Cape May County Correctional Center may wish to propose modifications to our offer and we are willing to be flexible in any negotiations, to include additional rate plans desired by the Facility.

Account Terms and Conditions

Securus offers Friend & Family members many options to pay for phone calls. They can choose from payment products such as Securus' Traditional Collect, Direct Bill, and AdvanceConnect accounts—or even fund Inmate Debit accounts. For each, Securus provides the following terms and conditions:

Account Terms and Conditions	Friends & Family Prepaid Advance Connect	Friends & Family Direct Bill/ Traditional Collect	Inmate Debit
Account Setup Fee	\$0 No charge	\$0 No charge	\$0 No charge
Securus Refund Fee	\$0 No charge	\$0 No charge	\$0 No charge
*Securus funding transaction fee	\$0 No charge	\$0 No charge	\$0 No charge
Minimum funding amount	\$0 None	\$0 None	\$0 None
*If payments are made by mail or online banking.			

Additional Account Details

The table below describes additional charges, fees, and taxes associated with Securus account types.

Fees Vary by Account Types*	How Applied	Amount	Account Type
Federal Regulatory Recovery Fee	Interstate calls only, applied once/month when used	Up to \$3.49	Traditional Collect, Direct Bill, AdvanceConnect
Bill Statement Fee	When choosing local carriers to bill, applied once/month when used	Up to \$3.49	Traditional Collect Only
Wireless Administration Fee	Only for wireless numbers, applied once/month when used	Up to \$2.99	AdvanceConnect Only
A returned check charge of up to \$25 may be applied for dishonored checks.			

* Sales taxes, Universal Service fund fees, and Telecommunications Relay Service (TRS) fund fees may also apply.

Convenience Options

For Friend & Family members requiring an immediate approach to funding their accounts, Securus provides optional services which incur convenience fees or a minimum funding amount.

Optional Fees	Per Instance	Amount
Transaction processing fee	Credit/debit card payment by phone or website	Up to \$7.95
A low minimum funding amount of only \$25 is required when Friend & Family member fund an AdvanceConnect by phone or website.		

Proposal Pages

Date: 2-7-13 2013

Robert E. Pickens
Signed

Robert E. Pickens
Printed Name

Chief Operating Officer
Title

Securus Technologies, Inc.
Name of Firm

14651 Dallas Parkway, Suite 600
Address

Dallas, TX 75254
Address

972-277-0300
Telephone

972-277-0514
Fax

Robert E. Pickens
Contact Person

bpickens@securusstech.net
E-Mail

Appointment of Process-Agent Service: Vendor Securus Technologies, Inc. (insert name) irrevocably appoints

Robert E. Pickens (insert name) (the "Process Agent") as its agent to

receive service of process on behalf of vendor; vendor authorizes and directs the Process Agent to accept service on its behalf. If process is to be served pursuant to this provision, the County shall serve that process by certified mailing (return receipt requested) or hand-delivering a copy of the process in care of the Process Agent at

14651 Dallas Parkway, Suite 600 Dallas, TX 75254 (insert address of Process Agent) or any other address

which the Process Agent has given notice to the County, (Items #3, #4 & #5).

Stockholder Disclosure Certification

STOCKHOLDER DISCLOSURE CERTIFICATION This Statement Shall Be Included with Bid Submission

Chapter 33 of the Public Laws of 1977 provides that no Corporation or Partnership shall be awarded any State, County, Municipal or Schools District contracts for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or accompanying the bid of said corporation or partnership there is submitted a statement. The statement shall set forth the names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of the stock of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein.

Name of Business Securus Technologies, Inc.

Federal ID #

☒ I certify that the list below contains the names and home addresses of all stockholders holding ten percent (10%) or more of the issued and outstanding stock of the undersigned.

☐ I certify that no one stockholder owns ten percent (10%) or more the issued and outstanding stock of the undersigned.

Check the box that represents the type of business Organization:

- ☐ Partnership ☒ Corporation ☐ Sole Proprietorship
☐ Limited Partnership ☐ Limited Liability Corporation ☐ Limited Liability Partnership
☐ Subchapter S Corporation

STOCKHOLDERS

Name: Securus Technologies, Inc. (100% Owner)

Name:

Home Address: 14001 Dallas Parkway

Home Address:

Suite 600, Dallas, Texas 75244

Name:

Name:

Home Address:

Home Address:

Name:

Name:

Home Address:

Home Address:

Securus Technologies, Inc.
Company Name

 Chief Operating Officer
Signature Title

Revised 11/17/12

W-9 Form

Form W-9 (Rev. December 31, 1977) Department of the Treasury Internal Revenue Service	Request for Taxpayer Identification Number and Certification	Give Form to the requestor. Do not send to the IRS.
Name of the person or entity requesting the number: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> SECURUS TECHNOLOGIES, INC. </div>		
Complete this section if you are a corporation, partnership, or other entity: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Corporation <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Other <input type="checkbox"/> </div>		
Complete this section if you are an individual: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Individual <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> </div>		
Address (street, rural route, box, etc.): <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-top: 5px;"> 14051 DALLAS PARKWAY STE. 600 DALLAS, TX 75251 </div>		
City, State, and ZIP Code: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> DALLAS, TX 75251 TX 75251 </div>		
Taxpayer Identification Number (TIN): <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-top: 5px;"> 12-3456789 </div>		
Purpose of request (check one): <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input checked="" type="checkbox"/> To obtain a TIN for a new or existing business <input type="checkbox"/> To obtain a TIN for an individual </div>		
Signature and Title: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="border-bottom: 1px solid black; width: 80%;"></div> <div style="text-align: right;"> John Doe President </div> </div>		
Date: 12/31/77		

Proposal Pages

The Web Server must be configured to block access to jail data even if the server's security is compromised. Vendors must describe in detail how this will be accomplished.

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ID	Task Name	Duration	Start	Finish
1	SECURUS Inmate Telephone System Installation Project Plan for Cape May County Jail Inmate Telephone System	68 days	2/20/2013	5/24/2013
2	Inmate Phone System Installation & Cut-Over	41 days	2/20/2013	4/17/2013
3	Project Initiation Phase	1.5 days	2/20/2013	2/21/2013
4	Host internal project review and kick-off meeting	2 hrs	2/20/2013	2/20/2013
5	Team with Sales Account Manager to host kick-off call with SECURUS Inmate Telephone System Installation Project Plan for Cape May County Jail Project Team	2 hrs	2/20/2013	2/20/2013
6	Complete Telephone Equipment Inspection for inmate Locations	1 day	2/20/2013	2/21/2013
7	Project Planning Phase	6 days	2/21/2013	2/27/2013
8	Update Engineering based on site survey information	2 hrs	2/21/2013	2/21/2013
9	Identify resources needed to complete tasks and objectives	2 hrs	2/21/2013	2/21/2013
10	Create ticket assignments for necessary departments	2 hrs	2/21/2013	2/21/2013
11	Host internal review to determine scheduling options	2 hrs	2/22/2013	2/22/2013
12	Host review with current services provider to discuss transition plan	1 hr	2/22/2013	2/22/2013
13	Create project in the Install Portal and setup notifications/alerts	1 hr	2/22/2013	2/22/2013
14	Create orders for telecom provisioning	1 hr	2/22/2013	2/22/2013
15	Create purchase orders for materials	1 hr	2/22/2013	2/22/2013
16	Perform Sarbanes-Oxley compliance approval for all material purchase orders	1 hr	2/22/2013	2/22/2013
17	Kick-off Discussions for Automated PIN Imports / OMS Integration	1 hr	2/22/2013	2/22/2013
18	Integration for automated PIN data management	1 day	2/25/2013	2/25/2013
19	Review field service access/scheduling & telecom vendor scheduling options with Cape May County Jail Project Team	1 hr	2/26/2013	2/26/2013
20	Produce updated project schedule	1 hr	2/26/2013	2/26/2013
21	Project Team and Cape May County Jail Project Plan / Schedule Review	2 hrs	2/26/2013	2/26/2013
22	Finalize Telecom Provisioning, Material Delivery, and Field Service schedules	1 hr	2/26/2013	2/26/2013
23	Securus & Cape May County Jail Project Team Meeting - Touch Point	0.5 days	2/27/2013	2/27/2013
24	Review telecom and hardware delivery schedules	2 hrs	2/27/2013	2/27/2013
25	Produce updated project plan and review with Cape May County Jail Project Team	2 hrs	2/27/2013	2/27/2013
26	Customer Data Management	1 day	2/25/2013	2/25/2013
27	Coordinate transition activities with Incumbent	2 hrs	2/25/2013	2/25/2013
28	Site specific voice prompts & tag lines	2 hrs	2/25/2013	2/25/2013
29	Upload blocked number files	2 hrs	2/25/2013	2/25/2013
30	Upload free and privileged number files	2 hrs	2/25/2013	2/25/2013
31	Project Execution Phase	39 days	2/20/2013	4/15/2013
32	OMS/JMS Integration / E-Imports Activities	9 days	2/20/2013	3/4/2013
33	Inmate PIN account creation and management	4 days	2/20/2013	2/25/2013
34	Automated file delivery for account management	1 day	2/26/2013	2/26/2013
35	Configure Commissary order by Phone number with Commissary provider	2 days	2/27/2013	2/28/2013
36	Configure Inmate Debt specifications with Commissary provider	2 days	3/1/2013	3/4/2013
37	Site Cutover Installation Planning Activities	38 days	2/20/2013	4/15/2013
38	Telecom delivery lead time	38 days	2/20/2013	4/12/2013
39	Confirm Telecom Test & Turn-up (T&T) schedule	2 hrs	4/15/2013	4/15/2013
40	Confirm Installation Technical Support schedule for T&T activity	2 hrs	4/15/2013	4/15/2013
41	Confirm Field Service Installation Team schedules for T&T activity	2 hrs	4/15/2013	4/15/2013
42	Review Site schedule and activities with Cape May County Jail Project Team	2 hrs	4/15/2013	4/15/2013
43	Site Equipment Installation Planning Activities	25 days	2/25/2013	3/29/2013
44	Material shipment lead time	15 days	2/25/2013	3/15/2013

ID	Task Name	Duration	Start	Finish
45	Confirm material shipments and arrival dates	2 hrs	2/26/2013	2/26/2013
46	Install and test inmate telephone equipment - Cape May County Jail (As necessary)	9 days	3/18/2013	3/28/2013
47	Removal of old equipment and notify incumbent of available pickup (As necessary)	2 hrs	3/29/2013	3/29/2013
48	Review Site Cut-Over schedule and activities with Cape May County Jail Project Team	2 hrs	3/29/2013	3/29/2013
49	Installation - Cape May County Jail	1 day	4/17/2013	4/17/2013
50	Cut Over - Turn up of telephones to Securus SCP platform	1 day	4/17/2013	4/17/2013
51	Quality Control / Checklist Reviews	67.38 day	2/20/2013	5/24/2013
52	Re-Verify all Features working properly	3 hrs	4/18/2013	4/18/2013
53	Re-Verify phones work, port assignments/call groups set	2 hrs	4/18/2013	4/18/2013
54	Post Cutover QA Checklist & Test Calls Completed	1 hr	4/18/2013	4/18/2013
55	Notify Facility ITS of cutover - system is functioning correctly	1 hr	4/18/2013	4/18/2013
56	Cut Sheet distributed to Securus Project Team	1 hr	4/18/2013	4/18/2013
57	Verification of Products and Features Cape May County Jail	1 day	2/20/2013	2/21/2013
58	Customer training	2 days	4/18/2013	4/19/2013
59	Conduct customer training for telephone system with Cape May County Jail Project Team	1 day	4/19/2013	4/19/2013
60	Post Implementation Project Monitoring / Controlling Phase	26 days	4/19/2013	5/24/2013
61	Securus & Cape May County Jail Project Team Meeting - Touch Point	26 days	4/19/2013	5/24/2013
62	Review current status of implementation activities	0 days	4/19/2013	4/19/2013
63	Review cut-over call monitoring and system health data provided by Securus Site Engineering Team	1 day	4/22/2013	4/22/2013
64	Identify any outstanding action items	1 day	4/23/2013	4/23/2013
65	Produce action register (if applicable)	4 hrs	4/24/2013	4/24/2013
66	Update Risk Management Plan	1 day	4/24/2013	4/25/2013
67	Update Project Plan	1 day	4/25/2013	4/26/2013
68	Consolidate QA & Customer Acceptance forms	1 day	4/26/2013	4/29/2013
69	Consolidate Equipment Assignment Records, Engineering Schematics, and other final implementation documents	1 day	4/29/2013	4/30/2013
70	Produce final QA and Implementation documents and provide to Cape May County Jail Project Team	1 day	4/30/2013	5/1/2013
71	Initiate 30 day post implementation monitoring plan to be executed daily 25 days by Site Engineering Team	25 days	4/19/2013	5/23/2013
72	Cape May County Jail Network and Equipment	24 days	4/22/2013	5/23/2013
73	Project Closure Phase	1 day	5/24/2013	5/24/2013
74	Final Customer Acceptance Meeting	1 day	5/24/2013	5/24/2013
75	Review current action register and close-out remaining items, or identify next steps	1 day	5/24/2013	5/24/2013
76	Review 30 day post implementation monitoring data and service ticket information	1 day	5/24/2013	5/24/2013
77	Produce Transition Plan: Transition plan from Securus Project Team to Service and Account Management Team	1 day	5/24/2013	5/24/2013
78	Execute Transition Plan to Technical Support and Account Management Team for ongoing Account Support	1 day	5/24/2013	5/24/2013



Securus Technologies, Inc. acknowledges receipt of Clarification number 1 - 5 of questions and answers submitted by Cape May County, NJ.

Robert E. Pickens, Chief Operating Officer

Name

Robert E. Pickens 2-7-13
Signature Date

14651 Dallas Parkway, Suite 600
Dallas, Texas 75254
Phone: 972-277-0300
Toll Free: 800-559-1525
www.securustech.net

SPEC. #3 INMATE PHONE & JAIL MANGEMENT SYSTEM
QUESTIONS & ANSWERS
CLARIFICATION NO. 1

Is there any early release program that may have an adverse effect on the ADP? NO

How many inmate phones are installed today? 36

Are there any additional phones required at this time? NO

Are there any enclosures that need to be installed/ replaced? NO

How many visitation phones are installed? N/A

Will there be a requirement to interface with the commissary system? YES

Who is the current/ future provider of the commissary services? Keefe

Is this bid for the new facility only or for both the existing and new facility?
Both

SPEC. #3 INMATE PHONE & JAIL MANGEMENT SYSTEM
QUESTIONS & ANSWERS
CLARIFICATION NO. 2

1. What are the current call rates by payment type (Collect, Pre Paid Collect, debit and/or Inmate based pre paid.) and by call traffic type (local, IntraLata/Intrastate, Interlata/Intrastate, Interstate and International. Please provide both the surcharge and per minute rates for each of the payment types and call traffic types listed.

Local:	\$1.75	.05	55%
Intralata:	\$1.75	.02	55%
InterLATA	\$1.75	.04	55%
Interstate:	\$1.75	.89	55%

2. What are total call duration minutes for the last 12 calendar months by payment type (Collect, Pre Paid Collect, debit and/or Inmate based pre paid.) and by call traffic type (local, IntraLata/Intrastate, Interlata/Intrastate, Interstate and International. Please provide the call duration minutes for each of the payment types and call traffic types listed. We do not have this data.
3. What is the total call gross revenue for the last 12 calendar months by payment type (Collect, Pre Paid Collect, debit and/or inmate based pre paid.) and by call traffic type (local, IntraLata/Intrastate, Interlata/Intrastate, Interstate and International. Please provide the total call gross revenue for each of the payment types and call traffic types listed.
2012 - \$100,781.00; We do not have it broken down.
4. How many free calls were made in the last 12 months and what was the total minute duration of those free calls. No free calls.

SPEC. #3 INMATE PHONE & JAIL MANAGEMENT SYSTEM
QUESTIONS & ANSWERS
CLARIFICATION NO. 3

1. #21 System must provide integration with other vendors deemed necessary by the Sheriff's Office. The costs associated with completing all desired integration specified below must be included in the bid price. -Are any interfaces required beyond those listed in Q7? If yes, please provide a list of additional systems for which we would need to interface. All vendors will need to identify all interfaces and possible costs to properly prepare a business case and commission offer to the County in advance of responding to this competitive RFP.

No

2. #25 System shall run on Windows based PC running Windows 2000, Windows XP Professional, or any current Microsoft operating system - Please confirm that the County is looking for a true browser-based solution that minimizes workstation maintenance and ancillary product installation?

#25 only addresses client workstation operating systems. #25 does not specify what type of client interface that must be proposed.

3. #106 Scheduled court date (proceeding) and time/sentencing date - Please confirm that you are seeking an inmate scheduling system that permits the scheduling of any number of inmate activities and not just simply being able to record the next scheduled court date?

Yes - scheduling any number of inmate activities

4. #106 Scheduled court date (proceeding) and time/sentencing date - Please confirm that you are seeking a sentencing module that calculates released dates based a number of sentencing options, such a concurrent and/or consecutive sentences, good time rates, etc and not just simply being able to record a release date?

Yes - calculations based on sentencing options

5. #126-143 Medical et al - Will medical personnel be utilizing the proposed system or do they have their own system? If own system please identify?

Will utilize proposed system

6. #126-143 Medical et al - Are medical personnel county staff or a contract medical company? If contract what company do they currently work for?

Conmed

7. #160 list of inmates, releases, inmate trust accounting & 179 MUST interface with current finance program used by Keefe Commissary Services to keep track of inmate's cash account providing a complete transaction log of inmate deposit and purchases- Please confirm that you are seeking an inmate accounting system in the JMS that tracks all debits & credits to inmate trust accounts so that the County is fully protected in the event you switch commissary companies. Also please confirm that you are planning to use the accounting system in your JMS has the primary accounting software.

Primary accounting software through Keefe; but the JMS must interface with Keefe

8. #166-171 Ability to generate billing reports for charges to external agencies -- Please confirm that you are seeking a billing system that can bill for a number of external agencies with separate negotiated rates?

Yes

9. Other- Do you have the need to manage the below listed functional areas such that proposers should include them in our proposals, and if so, do you have any specific requires you would like us to meet?
- Inmate Programs
 - Inmate Grievances

Yes - the listed areas need to be managed and there are no specific requirements

10. For Specification C.7 below; please confirm that for the requirement listed below, that the County is requiring the submitting vendor to have a working interface already in existence for a minimum of two of the web services currently available and deployed successfully at a County in New Jersey. Modifying this requirement will protect the County and assure that they receive the much needed CCIS interface.

C7. Mandatory Systems Integration Interfaces:

State AOC Generic Interface

This JMS must include an interface that provides the ability for data transfer to the County Corrections Information System in accordance with Administrative Office of the Courts (AOC) protocols throughout the course of the multi-phase project incorporating all of the C.C.I.S screens included in the Generic Interface project.

Under C7 Mandatory System Integration Interfaces

All of the defined interfaces must be provided.

Vendors must conform to the spec in the RFP.

11. In opportunities of this nature it is normal for the soliciting agency to require that all responding vendors provide the County with a listing and percentage of any and all work that would be accomplished outside of the United States such as software development.

Did not specify.

Additionally, it is customary for responders to have to provide the County with any work that they subcontract especially if it is subcontracted to an off-shore non-American based company.

Did not specify.

Please confirm that the County wishes this information to be provided as part of this response?

12. Question to specification #181 - Provide bar coding capabilities for both inmate property and inventory control, including inmate name. Please confirm the County will consider alternative and superior approaches to bar coding for inventory control and inmate property?

Yes - we will consider other approaches, provide detailed information as part of your proposal

13. Based on the pre bid meeting you mentioned offers beyond the 5 year term in the RFP. Will the County entertain offers from vendors that go beyond 5 years?

NJ Statutes can only do for a 5 year term.

14. Based on the short timeframes outlined within the RFP and the massive nature of an inmate telephone and Offender Management System response, we respectfully request a 3 weeks extension to the RFP due date so that all submitting vendor and the County can be afforded ample time to respond.

Due date is not being changed at this time.

SPEC. #3 INMATE PHONE & JAIL MANGEMENT SYSTEM
QUESTIONS & ANSWERS
CLARIFICATION NO. 4

1. Please provide any additional fees that are currently being charged by the Incumbent and the amount of said fee. Examples of these types of fees may include Prepaid Account Setup Fees, Prepaid Account Funding Fees, Bill Statement Fees, Refund Fees, etc. that are outside of the standard per-call surcharge and per-minute fee.

Submit an OPRA request to the County. Application is found in forms on the County Website: www.capemaycountygov.net

2. Please provide a copy of the current inmate phone service agreement(s).

New Jersey State Contract, contact the State Buyer.

3. Please provide an average of monthly commissions received over the past year from the current vendor and copies of commission statements (if available.)

Already posted as Q and A on the portal.

4. When does the County expect that the new facility will be fully populated? Please provide a high-level timeline regarding the population of the new facility. Construction tentatively completed in approximately 24 months

Projecting increase from 225-250 to 350.

Also, the Sheriff could decide to contact to inmates for other authorities (Federal, State).

5. Does the current vendor offer prepaid debit phone cards or commissary-based debit calling to inmates? If so, how does the County receive commissions on these revenues?

No

6. Will the County consider a card-free inmate debit calling option, which will be fast, efficient, and easy for the County to manage?

If this is your offering, include in your business plan.

7. Does the County require that any proposed technology – including any proposed biometric solution – be installed and proven to work at other correctional facilities, and will this experience be part of the RFP scoring? We highly recommend requiring at least five references from similar-sized facilities where the proposed technologies have been installed and working for a minimum of one year.

Evaluation Criteria is identified in the RFP.

8. The RFP requires that inmate phone vendors provide Collect and Prepaid Collect calling options, and that we provide rates and commissions for Collect and Prepaid Collect calling for evaluation purposes. Vendors may also provide debit calling, either via an inmate's account or through debit cards sold at the commissary.

However, some providers may offer other types of phone calls, outside of the traditional options of Collect, Prepaid, and Debit calling. These non-traditional types of calls may include but not be limited to single-call payment by credit/debit card, and text message billing for a single call via wireless carrier. Because these billing options do not fall into the traditional categories of Collect, Prepaid and Debit calling, the calls are often billed at a much higher rate than the rates approved by the County, and the revenue is often excluded from the commissionable gross revenue amount.

- Please confirm that these types of billing options outside the required Collect, Prepaid and Debit options will not be allowed by the County.
- If these types of calls will be allowed, where in the RFP response are bidders required to disclose calling rates and commission rates associated with these calls, and how will they be evaluated?

Provide all costs/commissions, etc. in your RFP that you plan may offer.

9. What equipment is the County requiring? Please fill out the following table with quantities required.

Equipment	Quantity
Inmate Telephones	36
TDD/TTY Devices	1
Cart phones	n/a
Payphone/Lobby Telephone	n/a
Hands-free phones	n/a
Cordless phones	n/a
Enclosures	Propose what enclosures you offer for the inmate phones
Pedestals	n/a
Workstations with Printers	2 workstations w/ printers
Laptops	2 laptops at the workstations?

10. Requirement #7 under the Call Monitoring and Recording section states the following: "System must have the ability to have a selectable scan of all live calls in progress by selecting active calls only. The scanning feature of during live monitoring must have the ability enter a time frequency in which the system will play active calls for 30 seconds (configurable) each and rotate through active calls for the set amount of time for each call." This technology used to be offered with older technologies that would not allow investigators to select specific calls to monitor. Would the County be willing to accept newer call monitoring alternatives that would allow the County more flexibility and investigative benefits in listening to live calls?

Yes, propose in detail in your bid.

11. Requirement # 1 under the Call Monitoring and Recording section states: "The system shall maintain all call recordings centrally on SAN storage technology and not use tape drives for storage of call recordings." In lieu of SAN storage devices, would the County accept proposals for other similar, current-model digital storage solutions that feature internal redundancy (without the use of tape drive technology)?

Yes, as long as the storage solution is redundant and is not tape centric.

Regarding the Jail Management System, we would also like to submit the following questions:

1. Please provide the number of employees that will utilize the JMS system.

Approximately 120 (all sworn, civilian employees, vendor employees (medical, food service))

2. Please provide the number of workstations that will access the JMS system.

30

3. Please provide the number of Booking Workstations.

Two (2) Included in the 30.

4. Please provide the number of Release Workstations (if different from Booking Stations).

N/A

5. Will the County entertain allowing the vendor to replace the existing Mug Shot Camera system with the selected JMS vendor's Mug Shot Camera system instead of providing an interface (including converting existing Mug Shot images)?

No

6. Page 27, #101 - Does the County currently have Finger Print ID devices? If so, please provide vendor, brand, number of devices and where they are located.

One (1) LiveScan

7. Pg. 28 # 117 - Is the JMS vendor supposed to supply wrist band printers and scanners? If so, how many?

Answered on Page 128 #117 in the RFP (yes).

8. Pg. 31 # 181 - Is the JMS vendor supposed to supply the property bar code printers and readers? If so, how many of each?

Proposer will have to supply (and a back-up unit)

SPEC. #3 INMATE PHONE & JAIL MANAGEMENT SYSTEM
QUESTIONS & ANSWERS
CLARIFICATION NO. 5

1. Please confirm the County IT will be supplying the needed servers to run the Jail Management software?

Yes

2. Since the County plans to utilize Keefe Accounting system as primary software, will the County consider utilizing vendor proposed Kiosks for phone only deposits and for intake applications?

They can open a phone account by phone and on the internet.
May be confusing for the public if we have two (2) separate Kiosks in the lobby (1 for phones and 1 for commissary).



STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name: SECURUS TECHNOLOGIES, INC.

Trade Name:

Address: 14651 DALLAS PKWY STE 600
DALLAS, TX 75254-8815

Certificate Number: 0109182

Effective Date: April 30, 1999

Date of Issuance: March 28, 2012

For Office Use Only:

20120328165709834

Exhibit Q

EROIGSA-11-0008
INTERGOVERNMENTAL SERVICE AGREEMENT
BETWEEN THE
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS
AND
ESSEX COUNTY

This Intergovernmental Service Agreement ("Agreement") is entered into between United States Department of Homeland Security Immigration and Customs Enforcement ("ICE"), and the Essex County ("Service Provider") for the detention and care of aliens ("detainees"). The term "Parties" is used in this Agreement to refer jointly to ICE and the Service Provider.

FACILITY LOCATION:

The Service Provider shall provide detention services for detainees at the following institution(s):

Essex County Correctional Facility ("Facility")
354 Doremus Avenue
Newark, NJ 07105

Delaney Hall Center
451 Doremus Avenue
Newark, NJ 07105

The following documents constitute the complete agreement:

- Intergovernmental Service Agreement (IGSA)
- Attachment 1 - Performance Outcomes, 2008 Performance-Based National Detention Standards (PBNDS)
- Attachment 2 - Title 29, Part 4 Labor Standards for Federal Service Contracts
- Wage Determinations (Attachment 3)
 - Attachment 3A - Wage Determination Number: 2005-2353. Rev. 10, Dated: 09/01/2010 *Area Wide (Non Collective Bargaining Employees) Wage Determination (WD) applicable to CFG and CEC.*
 - Attachment 3B - Wage Determination Number: 2011-0090. Rev. 1, Dated: 06/09/2011 *CBA WD - District 1199J (CEC) applicable to CBA employees*
 - Attachment 3C - Wage Determination Number: CBA-2011-4315. Rev. 0, Dated: 06/21/2011 *CBA WD - FOP (Essex) applicable to CBA employees*
 - Attachment 3D - Wage Determination Number: CBA-2011-4317. Rev. 0, Dated: 06/21/2011 *CBA WD - IBEW 1158 (Essex) applicable to CBA employees*
 - Attachment 3E - Wage Determination Number: CBA-2011-4316. Rev. 0, Dated: 06/21/2011 *CBA WD - IOUE 68-68A-68B (Essex) applicable to CBA employees*
 - Attachment 3F - Wage Determination Number: CBA-2011-4314. Rev. 0, Dated: 06/21/2011 *CBA WD - PBA 382 (Essex) applicable to CBA employees*
- Attachment 4 - Essex Quality Control Plan

ICE has a zero tolerance standard regarding rape and sexual assault in the Facility. The Service Provider shall affirmatively act to prevent sexual abuse and assaults on detainees. Every allegation will be reviewed, and, where warranted, referred for criminal prosecution consistent with a zero-tolerance standard.

Article 24. Detainee Telephone Services (DTS)

- A. The Service Provider shall provide detainees with reasonable and equitable access to telephones as specified in the ICE 2008 Performance-Based National Detention Standard on Telephone Access. Telephones shall be located in an area that provides for a reasonable degree of privacy and a minimal amount of environmental noise during phone calls.
- B. If authorized to do so under applicable law, the Service Provider shall monitor and record detainee conversations. If detainee telephone conversations can be monitored under applicable law, the Service Provider shall provide notice to detainees of the potential for monitoring. However, the Service Provider shall also provide procedures at the facility for detainees to be able to place unmonitored telephone calls to their attorneys.
- C. Telephone rates shall not exceed the dominant carrier tariff rate and shall conform to all applicable federal, state, and local telephone regulations.
- D. ICE recognizes the Service Provider may have an existing contract with a Telecommunications Company to provide telephone service to ICE detainees and other inmates. ICE requires the Service Provider to require the Telecommunications Company to provide connectivity to the DTS Contractor for detainee pro bono telephone calls. Additionally, ICE requires that the Service Provider or their Telecommunications Company provide that ICE detainees have direct access to the DTS Contractor for collect and prepaid calls. This shall occur at the expiration of any current contract with a Telecommunications Company. The DTS Contractor shall be allowed to install vending debit machines and shall receive 100 percent of all revenues collected by sale of prepaid debit services to ICE detainees. The Service Provider (and the Telecommunications Company) shall make all arrangements with the DTS Contractor independently from this Agreement. The DTS Contractor shall be responsible for the costs incurred to provide the pro bono services, and the maintenance and operation of the system, including a standard compensation to the Telecommunications Company. The Service Provider shall not be entitled to any commissions, fees, or revenues generated by the use of the DTS or the detainee telephones.
- E. The Service Provider shall inspect telephones for serviceability, in accordance with ICE 2008 Performance-Based National Detention Standards and ICE policies and procedures. The Service Provider shall notify the COTR or ICE designee of any inoperable telephones.

F. DTS Contractor Information:

Talton Communications
910 Ravenwood Dr.
Selma, AL 36701

Robin Hall
Customer Relations Manager
(334) 375-7842
robin@taltoncommunications.com

Mike Oslund
Operations Manager
(334) 375-4200
michael@taltoncommunications.com

Article 25. Government Use of Wireless Communication Devices

All personnel that have been issued a Federal Government owned wireless communication device, including but not limited to, cellular telephones, pagers or wireless Internet devices, are authorized to possess and use those items in all areas of the facility in which ICE detainees are present.

Article 26. Use of Service Provider's Policies and Procedures

The Contracting Officer may approve the Service Provider's policies and procedures for use under this Agreement. Upon approval, the Service Provider is authorized to use its policies and procedures in conjunction with the Performance-Based National Detention Standards mandated under this Agreement.

Article 27. Accreditation

The Service Provider shall have twenty-four (24) months from commencement of this Agreement to become American Correctional Association (ACA) accredited. The Service Provider shall, within nine (9) months from the date this facility becomes operational, formally apply for accreditation to the ACA. The Service Provider shall provide the Contracting Officer with written proof of such application within five (5) days of the application. The Service Provider shall provide the Contracting Officer with written proof of its accreditation within five (5) days of notification of its accreditation.

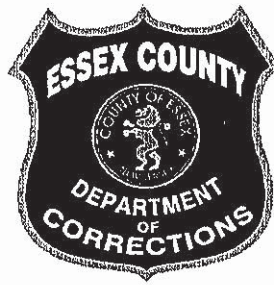
Article 28. Quality Control

- A. The Service Provider shall establish and maintain a complete Quality Control Program (QCP) acceptable to the Contracting Officer and in consultation with the COTR to assure the requirements of this Agreement are provided as specified in the Performance Requirement Summary (PRS) - Attachment 5A.

The QCP shall:

Exhibit R

Joseph N. DiVincenzo, Jr.
County Executive



Alfaro Ortiz
Director

ESSEX COUNTY DEPARTMENT OF CORRECTIONS

Business Office
354 DOREMUS AVE., NEWARK, NJ 07105
(973)-274-7503 Fax (973)-274-6994

January 4, 2013

Dear NJ Advocates for Immigrant Detainees:

The County of Essex is in receipt of your request to end the current contract for Detainee Telephone Services at the Essex County Correctional Facility, and has reviewed the background information, impact analysis, and conclusions contained therein.

The contract in question, State Contract # T-1934, Inmate/Resident/Detainee Telephone Control Service had an original contract term of 4/05/05 through 4/05/10. It was subsequently amended six times to extend the term through 3/03/13. The County of Essex originally opted into the contract on July 1, 2010 and due to the continuation of said contract has not had the need to explore another option.

While we recognize the comparisons made in the Background portion of your memorandum comparing our rates to those in New York City and Rhode Island, as well as the conclusions made regarding commissions collected; it is important to note that Essex County offers rates among the lowest in the State of New Jersey in relation to other Counties and is comparable in its rate of commissions collected.

The County, looking to balance the care of its detainees and inmates housed in its facility with its responsibility of good governance to its non-incarcerated or detained constituency, feels the current contract, despite assertions to the contrary, is reasonable. Further we do not believe we coerce anyone to subsidize the cost of detention or incarceration as is stated. All detainees and inmates, as well as those outside the facility, are made aware of all costs associated with services provided at the facility and have free choice whether to avail themselves of these services.

As such, The County of Essex does not see an immediate need for discontinuing this contract. When such time comes that the current option is no longer available to us, we will, as always, vigorously investigate other options.

Thank you for sharing your opinions on this subject and for your passionate support of detainee rights. We remain open to your thoughts and concerns and welcome a continued dialogue.

Respectfully,

Alfaro Ortiz
Director

Exhibit S

NOTICE TO FRIENDS AND FAMILIES OF NEW YORK STATE INMATES

Unisys Corporation, and Value Added Communications (VAC) through a contract with the New York State Department of Correctional Services provide an inmate telephone system at each state operated facility within New York State. .

The calling rate is less than a nickel (\$.048) per minute for all calls terminating within the United States, Canada, and US Territories (American Samoa, Federated states of Micronesia, Guam, Midway Islands, Puerto Rico, and US Virgin Islands) and there are no additional call set-up or connect fees. The chart below shows the calling rate for the average twenty minute call.

Description		New Rate
Set-up fee per call		\$0.00
Charge per minute		\$.048
Cost of a 20 minute call		\$0.96

Note: Historical data indicates that the average call lasts twenty minutes in length. The maximum call duration allowed is determined by the facility. Most facilities allow each call to last thirty minutes.

In 2007 the New York State legislature passed a law that permanently eliminates commissions paid to the State for inmate calls. This law further stipulates that the phone contract must allow for collect and pre-paid calling services. Both of these services are included in the calling service contract. Please note that the Department of Corrections does not provide inmate-paid debit calling at this time.

The first time an inmate calls **each** of the numbers on their allowed list, the calling system will attempt to complete the call and bill it as a collect call on the called party's phone bill. If the call cannot be completed because there is no billing arrangement with the called party's telephone company or for some other restriction, an automated system will prompt the called party to set up a pre-paid account with Value Added Communications. **Calls made from inmates to cellular telephones are still not allowed and will not be completed.**

If there are any problems or questions you can contact Value Added Communications (VAC) at **1-800-777-2522** or on the internet at www.myvconnect.com. If a prepaid account is established it can be reviewed, managed, and funded via the 800 number or the internet address. Friends and families may also set-up or fund pre-paid accounts via a credit card or by mailing in a Money Order or Cashiers Check to: Value-Added Communications, Inc. Dept. #2548, PO Box 122548, Dallas, TX 75312-2548 . In the memo line, input the ten digit phone number that you would like the funds to be placed on in order to receive pre-paid collect calls.

Exhibit T

LIST OF SUPPORTIVE ORGANIZATIONS

American Civil Liberties Union (ACLU) of New Jersey

Comite' de Apoyo a los Trabajadores Agricola (CATA) – The Farmworkers Support Committee

Detention Watch Network

Families for Freedom

Garden State Bar Association

Ironbound Community Corporation

Immigrant Rights Clinic, Washington Square Legal Services

LatinoJustice PRLDEF

New Jersey Advocates for Immigrant Detainees

Members: American Friends Service Committee (AFSC) Immigrant Rights Program; Casa de Esperanza; Casa Freehold; the Episcopal Immigration Network; IRATE First Friends; the Latin American Legal Defense and Education Fund; Lutheran Office of Governmental Ministry in NJ; Middlesex County Coalition for Immigrant Rights; NJ Association on Correction; NJ Forum for Human Rights; Pax Christi NJ; People's Organization for Progress- Bergen County Branch; the Reformed Church of Highland Park; Sisters of St. Joseph of Chestnut Hill ESL; and the Unitarian Universalist Congregation at Montclair

New Jersey Communities United

New Jersey Institute for Social Justice

New Jersey State Industrial Union Council

Prison Policy Initiative

People Improving Communities through Organizing (PICO)

Students for Prison Education & Reform (SPEAR), Princeton University

Unitarian Society of Ridgewood, Social Responsibilities Council

Unitarian Universalist Legislative Ministry of New Jersey (UULMNJ),

Wind of the Spirit

Exhibit U

The New York Times

November 27, 2012

A Needless Charge for Prison Families

After nearly a decade of delay, the Federal Communications Commission is finally focusing on the private telephone companies that charge outrageously high rates for the calls that many of the nation's 1.6 million prison inmates make to stay in contact with their families.

The commissioners are considering a proposal to seek public comment on prison phone regulation. They need to act to end the burdensome charges that can make a single phone call from prison as expensive as an entire month of home phone service. Prison calls are so expensive because inmates must place them through independent companies that pay the state corrections departments a "commission," essentially a legal kickback. A 15 minute call can cost a family as much as \$17. For struggling families who want to keep in touch with loved ones behind bars, this can sometimes mean choosing between a phone call and putting food on the table.

The high cost discourages contact with loved ones behind bars, which, in turn, makes it all the more difficult for ex-offenders to fit in at home when they are released. For this reason, more than a half-dozen states have already lowered rates by barring their corrections departments from requiring "commission" arrangements in telephone contracts.

Even so, some prison officials and telephone companies defend the commission system, arguing that the extra charges are necessary to pay for security screening of inmate calls. But that is not a problem in states like New York, which requires companies to provide prison telephone service at the lowest possible rate. Nor is it a problem in the federal prisons, which use an inexpensive, computerized system that allows inmates to place monitored calls to a limited number of preregistered people.

The F.C.C. should move quickly to bring fairness to the system, and it should consider imposing rate caps on what the phone companies can charge.



MORE IN OF
Op-Doc
a Photo
Read More

Exhibit V



Opinion: N.J. prisons price gouge inmates for telephone use

Times of Trenton guest opinion column By Times of Trenton guest opinion column

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By Bonnie Watson Coleman

Politicians and social commentators have criticized the "pay-day" loan industry and check-cashing businesses as unfairly targeting low-income populations by skirting usury laws to charge obscene rates that only a person with no other option would pay.

Many would probably be surprised to learn that the state of New Jersey is acting in the very same way when it comes to surcharges attached to telephone calls made from prison.



View of the exterior of New Jersey State Prison in Trenton in this 2009 file photo.

Tony Kurdzuk/The Star-Ledger

Making a collect call from prison is expensive, because the prison telephone industry keeps a state-sanctioned monopoly over all calls made from prison, and because the state's contract with the industry includes a commission.

A private vendor who provides phone service to all New Jersey prisons pays the state 40 percent of the fees the company charges for collect calls made by inmates.

The state then allows this private vendor to charge outrageously high rates, which, according to one advocacy group, can cost some families nearly \$400 a month.

The state is essentially taking a kickback from these inflated rates and passing the cost to the parents, wives and children of the incarcerated.

It is absolutely obscene that a private vendor can charge fees that amount to a tax on children, grandmothers and families in crisis. The fact that the state is a party to such exploitation is absolutely criminal.

While the current administration is adamantly against the notion of taxing the rich, it seems that taxing the poor, families in crisis and children is perfectly acceptable.

While study after study indicate that a prisoner who remains connected to his family and his children is less likely to re-offend, we continue to allow the high cost of collect calls from prison to impede such a connection. If the state is truly interested in correcting the lives of those who are incarcerated — as the name of the Department of Corrections suggests — we must end the state's role in the highly inflated costs of calls made from prison.

This practice is equivalent to price gouging, and it affects those who have committed no crime and who cannot afford to be taken advantage of in this manner. Equally worrisome, evidence suggests that when families are cut off from a loved one who is incarcerated, we all suffer, since the offender is more likely to re-offend. Enough is enough.

The Federal Communications Commission (FCC) is considering regulating the prison phone industry and imposing a price cap on long-distance prison telephone rates. While this is good news, as a state, we should not wait to see whether the FCC finds this issue worthy of its attention. Parents, grandmothers and children of those who are incarcerated are being forced to choose between keeping their phones on (since the excessive charges from prison calls often lead to shut-off notices) or not communicating with their loved one — a choice that is really no choice at all.

We must work to ensure that New Jersey does not continue to tax the families of inmates through these charges.

It is not only counterproductive to the rehabilitation of those who are incarcerated, it is incredibly unjust.

Assemblywoman Watson Coleman is a Democrat who represents the 15th Legislative District in Mercer and Hunterdon counties.



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Exhibit W

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March 16, 2010

Move Across Hudson Further Isolates Immigration Detainees

By NINA BERNSTEIN

When federal authorities shut down New York City's only immigration detention center last month, and sent most of its detainees to a county jail in New Jersey over protests by their advocates, Obama administration officials stressed that the jail was only a short drive from the city.

But under a contract with a private telephone company, calls to detainees' families and lawyers back in New York are decidedly long distance. The result is a 800 percent increase in the cost of a call, to more than 89 cents a minute, in a phone system so cumbersome that detainees say it impedes their ability to contest deportation or contact relatives.

In protest, the detainees have sent appeals for help to the American Bar Association, signed by more than 180 detainees, and have threatened a hunger strike. They cite exorbitant telephone costs as their central grievance, but also complain of poor health care, confiscation of legal documents and mistreatment by guards at the jail, the Hudson County Correctional Center in Kearny.

The isolation of many immigration detainees was underscored last week when a Chinese New Yorker freed from another New Jersey jail had no clue that he had been pardoned by Gov. David A. Paterson four days earlier.

Officials of Immigration and Customs Enforcement, the federal agency that pays jails to house detainees, have said improvements are in the works. But for detainees shifted from the New York jail, the Varick Federal Detention Facility, the possibilities for communication with the outside world have shrunk.

Brian P. Hale, a spokesman for the federal agency, said that a hunger strike began at the Hudson County jail on Monday, adding that it had been organized by the same detainee who started a hunger strike at Varick a few weeks before it ended detention operations. Agents in riot gear broke up that protest after detainees refused to go to the jail cafeteria, officials said then.

Several detainees said the leaders were punished with isolation or were transferred to distant detention centers. Similar complaints of retaliation have been made by detainees on hunger strikes at the Port Isabel Detention Center near Los Fresnos, Tex., which houses many longtime legal residents of New York fighting deportation based on past criminal convictions.

One letter to the bar association said the Hudson County hunger strike would start March 15, but another put it a week later. Jail officials said all but a few detainees were eating on Tuesday.

"No one is unwilling to listen to these concerns and to make sure that detainees are treated with respect and dignity," said James Kennelly, a spokesman for Hudson County and the jail. "We take the care and custody of the detainees very seriously."

Karen T. Grisez, chairwoman of the bar association's commission on immigration, said the association would look into the complaints and refer them to government authorities for further investigation.

"We take this very seriously," Ms. Grisez, a lawyer with the Washington firm of Fried Frank, said on Tuesday, noting that legal access, including phone calls at competitive rates, was part of the national detention standards adopted by the federal government in 2000. The Obama administration, however, like its predecessor, has declined to make the standards enforceable.

Mr. Hale said all immigration detainees were allowed free calls to foreign consulates and to a list of free legal services. But other calls from the New Jersey county jails are charged at rates negotiated by the state and the phone provider, Global Tel Link of Reston, Va. The rate is \$1.75 to connect a call, and 89 cents a minute, he said. But Global Tel Link will not connect a call until the recipient puts \$25 into an account with a major credit card.

Many lawyers will not accept such calls, and many family members do not have a credit card, Ms. Grisez said.

Typically, phone companies compete not to provide more reasonable rates to inmates and their families, but to provide the highest commissions to the jail. Dorothy Cukier, a spokeswoman for Global Tel Link, said it was not the company's responsibility to negotiate special rates for immigration detainees.

"To my understanding, we have never been approached by ICE about that," she said.

Mr. Kennelly said the county now got just under \$1 million annually in its commission.

One detainee who signed the petition is Orville Wayne Allen, 47, a longtime New York State resident who has spent more than 19 months in immigration custody without seeing an

immigration judge, his fiancée, Desiree Williams, said. When a police officer in Mount Vernon stopped him for riding a bicycle on the wrong side of a street in 2008, she said, a database check turned up an order of deportation in absentia from the 1980s, something a lawyer had supposedly resolved years before.

Ms. Williams, who works weekdays, has not seen him since he was transferred last month, because the jail allows only weekday visits. She said she could afford to receive only three brief calls, in which Mr. Allen urged her to call his lawyer. The lawyer keeps demanding more money, she said, but he has not filed any legal papers — something she has not told Mr. Allen.

“The phone conversations out there are so expensive we can’t talk,” Ms. Williams added, describing a \$25 account that cost her hours and \$14 to set up.

In their complaints, detainees said they were not even allowed to read newspapers or watch the news. “They stop us from knowing what is going on with our own family and around us,” one letter said.

Exhibit X

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To Mr. John Tsoukaris, Acting Field Office Director Newark, NJ

These are the issues we are having at our dorms in Essex county jail, Newark NJ:

#1-there are molds in some of the showers area and the toilets stinks because the cleaners don't use any bleach to take the smell away , the water that comes out of the sinks is very weak there is no pressure , it needs some adjustments , it has been like that forever.

#2- the phones are a disasters, we don't even know where to start , most of the time when we try to make phone calls , the machine says that we can't make a phone call at these time , all the phones they say that, a lot of times the jail shut down the phones during the regular hours for no reason .

#3- the phone calls are extremely expensive , 15 minutes phone call to NJ it cost about 5 dollars , 15 minutes to NY city which is next door it cost 15 dollars , that is criminal , it cost more the phone call to over sea , how is that possible ?

Some detainees came from Alabama and they said that the 20 minutes phone call from Alabama to NJ it cost 4 dollars only , so the phone call from Alabama which is about 3 hours away from here, is cheaper than the local phone call we make from the same state? We don't want this phone company at all.

You will expect with the prices they are charging us that the service will be great, but this is not the case at all, as a matter of fact it has been like this for years, the jail making money because they get a huge percentage from the phone company, and the phone company getting that money from us of course.

#4- the phones are shut off way too early , between 8.00 9.00Pm , we are in dorms , not in cells , we stay up at least until midnight , the lights are shuts off at midnight , the phones are out of the way , they are in the back , we need the phones to be on at least until 11.00pm PM. Especially that is for some of us their families come home late from work.

#5- every jail or detention center supply detainees with pens and pencils and writing papers, the pens we are getting are way too short to use, by the time we write half a letter, the pencil is gone, we need at least 3 pencils to finish one letter, and we can't sharpen our pencils because we don't have any pencil's sharpener at all.

The pens we buy from the commissary are very small and very flexible, it is painful to use them when we write with them, we understand that is for security reasons but some other detention centers they sell regular size pens also.